

## STANDARDS COMMITTEE

Wednesday, 10 March 2021 at 6.30pm

(Online meeting)

**Committee Membership:** The Chairman (Councillor Ireton) and Councillors Mercer, Metcalfe, Solloway and Whitaker.

**Parish Council Representatives** (non-voting): Dan Balsamini and Robert Stead.

**Independent Persons** (non-voting): John Boumphrey, Peter Charlesworth and Roger Millin.

## AGENDA

Please note that due to Covid-19, this meeting will be held remotely and will be livestreamed here: <https://www.youtube.com/channel/UCdfb6ZRbYnZ1-rRliLmjUwg>

1. **Apologies for Absence** – To receive any apologies for absence.
2. **Confirmation of Minutes** – To confirm the minutes of the meeting held on 4 November 2020.
3. **Public Participation** – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have on items appearing on this agenda, including the nature of those interests and whether they wish to apply the exception below.

**Note:** Declarations should be in the form of either:

- a “**disclosable pecuniary interest**” under Appendix A to the Code of Conduct, in which case the Member must leave the meeting room; or
- an “**other interest**” under Appendix B of the Code. For these interests, the Member may stay in the meeting room, although they must leave if membership of the organisation results in a conflict of interest.

**Exception:** Where a member of the public has a right to speak at a meeting, a Member who has a disclosable pecuniary interest or an other interest and must leave the room, has the same rights and may make representations, answer questions or give evidence, but at the conclusion of that, must then leave the room and not take part in the discussion or vote.

- 5. Members' Code of Conduct**– Report of the Solicitor to the Council (Monitoring Officer)  
Purpose of report – To present a draft revised Members' Code of Conduct.
- 6. Officers' Code of Conduct** – Report of the Solicitor to the Council (Monitoring Officer)  
Purpose of report – To review the Officers' Code of Conduct to ensure it reflects best practice and remains fit for purpose.
- 7. Parish Representatives** – Report of the Solicitor to the Council (Monitoring Officer)  
Purpose of report – To provide the Committee with an update on the appointment of Parish Representatives.
- 8. Monitoring Report** – Report of the Solicitor to the Council (Monitoring Officer)  
Purpose of report – To provide Members with an update on the number and progress of Code of Conduct complaints since the last report presented to this Committee (4<sup>th</sup> November 2020).
- 9. Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.
- 10. Date and Time of Next Meeting** – Wednesday, 21 July 2021 at 6.30pm

**Agenda Contact Officer:**

Hannah Scales, Democratic Services and Scrutiny Officer  
Tel: (01756) 706423  
E-mail: [hcales@cravenc.gov.uk](mailto:hcales@cravenc.gov.uk)

## **STANDARDS COMMITTEE**

4 November 2020

**Present** – Councillors Ireton (Chairman), Mercer, Metcalfe, Solloway and Whitaker.

**Independent Persons (non-voting):** Roger Millin and John Boumphrey.

**Parish Representative (non-voting):** Robert Stead.

**Officers** – Solicitor to the Council (Monitoring Officer) and Democratic Services and Scrutiny Officer.

Start: 6.30pm

Finish: 7.20pm

The minutes of the Committee's meeting held on 11 March 2020 were confirmed as a correct record.

### **Minutes for Report**

STN.376

#### **WORK PROGRAMME**

The Solicitor to the Council (Monitoring Officer) submitted a report which invited Members to consider and set the work programme for the 2020/2021 municipal year. Members discussed the importance of inclusivity within the Council and it was suggested that the Solicitor to the Council (Monitoring Officer) completed a piece of work looking at how the Council could review the local codes and protocols to maximise inclusivity. After detailed discussion Members agreed to carry forward the review of the Officers Code of Conduct from the 2019/20 work programme and bring forward the next review of the Member Code of Conduct to include the CSPL recommendation 2 detailed in the report.

**Resolved** – That the work of the Committee during 2019/2020 and the Committee's work programme for 2020/2021 is agreed.

STN.377     **IMPLEMENTATION OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE  
BEST PRACTICE RECOMMENDATIONS (2019)**

The Solicitor to the Council (Monitoring Officer) submitted a report which updated the Committee in relation to progress against the agreed action plan to implement the best practice recommendations set out in the Committee on Standards in Public Life report following the review of local government ethical standards.

The Solicitor to the Council (Monitoring Officer) informed Members of the recent Standards Conference of Monitoring Officers at which Dr Jane Martin (a Member of the Committee of Standards in Public Life) provided an update in relation to the 26 recommendations made by the Committee and the 15 best practice recommendations. Dr Martin confirmed that that Committee was planning to undertake a review of the implementation of the best practice recommendations, a report was expected to be published in early 2021.

Members discussed the addition of standards as a standing item to the Group Leaders Agenda and the addition of a standards section to the usual monitoring report to feedback on any issues raised at the Group Leaders meeting.

**Resolved** – That the progress made to implement the best practice recommendations set out in the Committee on Standards in Public Life is noted and the progress report to be provided to the Committee on Standards in Public Life by the 30<sup>th</sup> November 2020.

STN.378

### **ANNUAL REVIEW OF COMPLAINTS**

The Solicitor to the Council (Monitoring Officer) submitted a comprehensive report which presented Members with information in relation to formal complaints handled by the Council in the period 1 April 2019 to 31 March 2020. Members noted the 48 complaints dealt with at Service Manager level and the 7 complaints dealt with at stage 2 (Chief Executive level), 1 complaint had been referred to the Ombudsman. Members requested that the Solicitor to the Council (Monitoring Officer) circulated the data behind Waste Management complaint figures.

**Resolved** – That the detailed report and the minor amendments to guidance recently announced by the Local Government and Social Care Ombudsman are noted.

STN.379 **REVIEW OF THE NUMBER OF PARISH REPRESENTATIVES ON THE COMMITTEE**

The Solicitor to the Council (Monitoring Officer) submitted a report which invited Members to consider the number of Parish Representatives appointed to the Standards Committee and updated Members on the recent request for nominations. Members discussed at length the number of Parish Representatives and concluded that the number should remain at four. Members emphasised the importance of inclusion and need for input across the board.

**Resolved** – That the number of Parish Representatives appointed to Standards Committee remains at four and Settle Town Councillor Daniele Balsamini is appointed as a non-voting Parish Representative of Standards Committee until the Annual Council Meeting 2024.

STN.380

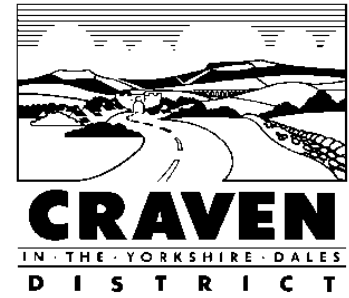
### **MONITORING REPORT**

The Solicitor to the Council (Monitoring Officer) submitted a report which updated Members on the Code of Conduct complaints received following the last report to Committee on 22 January 2020.

**Resolved** – That the Monitoring Report to date is noted.

Chairman

**Standards Committee –  
10<sup>th</sup> March 2021**



**MEMBERS' CODE OF CONDUCT**

Report of the Solicitor to the Council (Monitoring Officer)

**Ward(s) affected: All**

**1. Purpose of Report**

1.1 To present a draft revised Members' Code of Conduct.

**2. Recommendations – Members are recommended to:**

2.1 Recommend the adoption of the revised Members' Code of Conduct to Council.

**3. Report**

**Background**

3.1 The Committee on Standards in Public Life ('CSPL') report on Local Government Ethical Standards (2019) was initially considered by Standards Committee on the 13<sup>th</sup> March 2019 (STN.357).

3.2 At the meeting on the 3<sup>rd</sup> July 2019, the Committee agreed an action plan for implementing 15 best practice recommendations set out in the CSPL report and at the last meeting, the Committee received a progress report.

**Report**

3.3 Members may recall from the progress report that two of the best practice recommendations required amendments to the Members' Code of Conduct:

Recommended Best Practice	Action
Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	The Member Code of Conduct already includes an obligation ' <i>not to act in a way which a reasonable person would regard as bullying or intimidatory</i> '.  When next reviewed definitions and examples will be included.

Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.	The Member Code of Conduct does not currently include this specific requirement.  When next reviewed, this provision will be included.
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- 3.4 A draft revised Members' Code of Conduct ('the Code') appears at Appendix 1 for the Members to consider.
- 3.5 Member obligation two in the Code has been amended to accord with CSPL recommendation one. A new section has been added – 'Complying with the Code of Conduct' – to satisfy recommendation two.
- 3.6 The Monitoring Officer has also taken this opportunity to carry out a light touch review of the Code, which was last reviewed by the Committee in December 2018.
- 3.7 The Monitoring Officer is proposing that a new member obligation is added to the Code requiring Members to promote equalities and not discriminate unlawfully against any person. Any reference to gender has been removed to ensure the document is inclusive.
- 3.8 The CSPL also made a number of recommendations in their report which require changes in legislation or action from other bodies. One of these recommendations was that the Local Government Association ('LGA') should create an updated model Member Code of Conduct in consultation with representative bodies for councillors and officers of all tiers of local government. On the 23<sup>rd</sup> December, the LGA published the 'Model Councillor Code of Conduct 2020' and a copy appears at Appendix 2. The Government has yet to respond to the CSPL's report on Local Government Ethical Standards.
- 3.9 Members are asked to consider the draft revised Code and recommend its adoption to Council.
- 4. Financial and Value for Money Implications**
- 4.1 None arising directly from the content of this report.
- 5. Legal Implications**
- 5.1 None arising directly from the content of this report.
- 6. Contribution to Council Priorities**
- 6.1 Robust ethical government arrangements ensure the proper, efficient and effective discharge of the Council's functions.

**7. Risk Management**

7.1 Not applicable.

**8. Equality Impact Analysis**

8.1 Not applicable.

**9. Consultations with Others**

9.1 Not applicable.

**10. Background Documents**

10.1 The Committee on Standards in Public Life report on Local Government Ethical Standards (2019)

**11. Appendix**

- Appendix 1 – Members’ Code of Conduct (revised draft)
- Appendix 2 – Local Government Association Model Councillor Code of Conduct 2020

**12. Author of the Report**

Name: Annette Moppett, Solicitor to the Council (Monitoring Officer)

Telephone: 01756 706325

E-mail: amoppett@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.





## CRAVEN DISTRICT COUNCIL

### CODE OF CONDUCT

#### Introduction

Pursuant to Section 27 of the Localism Act 2011, Craven District Council as relevant authority ("the Council") has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. **These principles are described in detail in Appendix C to this code.**

#### Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

#### Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, ~~he/she has~~ they have the following obligations:

1. ~~He/she~~They shall behave in such a way that a reasonable person would regard as respectful.
2. ~~He/she~~They shall not act in a way which a reasonable person would regard as bullying or ~~intimidatory~~harassing.

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2-3. ~~They shall promote equalities and not discriminate unlawfully against any person.~~

3-4. ~~He/she~~They shall not seek to improperly confer an advantage or disadvantage on any person.

4-5. ~~He/she~~They shall use the resources of the Council in accordance with its requirements.

5-6. ~~He/she~~They shall not disclose information which is confidential or where disclosure is prohibited by law.

6-7. ~~He/she~~They shall not compromise or attempt to compromise the impartiality of anyone who works or exercises powers for the Council.

#### *Registration of interests*

7-8. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), ~~he/shethey~~ shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.

8-9. Upon the re-election of a member or the re-appointment of a co-opted member, ~~he/shethey~~ shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.

9-10. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

10-11. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

#### *Declaration of interests at meetings*

11-12. Where a matter arises at a meeting which relates to an interest in Appendix A the member must leave the room and shall not participate in a discussion or vote on the matter. ~~He/she only has~~They only have to declare what ~~his/hershe~~ interest is if it is not already entered in the member's register of interests or if ~~he/she has~~they have not notified the Monitoring Officer of it.

12-13. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member must leave the room and

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shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose ~~he/she~~ they have an interest but not the nature of it.

~~13.~~14.        Where a matter arises at a meeting which relates to an interest in Appendix B, the member must move to the public gallery and shall not vote on the matter. ~~He/she~~ They may speak on the matter only if members of the public are also allowed to speak at the meeting.

~~14.~~15.        A member *shall disclose the nature of his/her* interest in Appendix B even if it is already entered in ~~his/her~~ their register of interests or ~~he/she~~ they have not notified the Monitoring Officer of it or if ~~he/she~~ they speaks on the matter. If ~~he/she~~ they holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, ~~he/she~~ they shall declare the interest but not the nature of the interest.

~~16.~~ Where a matter arises at a meeting which relates to a financial interest of the member, a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest. The member must move to the public gallery and shall not vote on the matter. ~~He/she~~ They may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

#### Complying with the Code of Conduct

~~15.~~17.        A member shall cooperate with any Code of Conduct investigation [and/or determination] and not intimidate or attempt to intimidate any person who is likely to be involved with any investigation or proceedings.

#### Dispensations

~~16.~~18.        On a written request made to the Council's Proper Officer (the Monitoring Officer), the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if the member has an Appendix A or Appendix B interest ('an interest' for the purpose of paragraphs 16-18).

A dispensation may be granted on one or more of the following grounds<sup>1 2</sup>:

<sup>1</sup> Section 33, Localism Act 2011

<sup>2</sup> Ground (d) refers to 'the Cabinet/Executive' and therefore does not currently apply to the Council.

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- a) That so many members of the Council have an interest in a matter that it would impede the transaction of the business (i.e. it would otherwise be inquorate);
- b) That, without the dispensation, the representation of different political groups on the Council would be so upset as to alter the outcome of any vote on the matter;
- c) That the Council considers that the dispensation is in the interests of persons living in the Council's area;
- e) That the Council considers it otherwise appropriate to grant a dispensation.

~~17-19.~~ In deciding whether to grant a dispensation, the appropriate political proportionality of the meeting, the interests of persons living in the Council's area and the interests of justice generally will be considered.

~~2018.~~ Requests for dispensation on grounds (a) and (b) may be determined by the Monitoring Officer in consultation with the Independent Person<sup>3</sup>

Requests for a dispensation on grounds (c) and (e) will be determined by a sub-committee of the Standards Committee, in consultation with the Independent Person.

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<sup>3</sup> appointed under section 28, Localism Act 2011

## APPENDIX A : Disclosable Pecuniary Interests.

Interests defined by regulations made under Section 30(3) of the Localism Act 2011 and described in the table below.

<b>Subject</b>	<b>Description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses.
	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) and the Council -
	(a) Under which goods or services are to be provided or works are to be executed; and
	(b) Which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge) -
	(a) The landlord is the Council; and
	(b) The tenant is a body in which the member or his/her spouse or civil partner/the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.
Securities	Any beneficial interest in securities of a body where -
	(a) That body (to the member's knowledge) has a place of business or land in the area of the Council; and
	(b) Either -
	(i) The total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
	(ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*These descriptions of interest are subject to the following definitions*

*"relevant person" means*

- *Your spouse or civil partner"*
- *A person with whom you are living as husband or wife*
- *A person with whom you are living as if they were your civil partner;;*

*"body" in which you or the relevant person has a beneficial interest means a firm in which you or the relevant person is a partner or a body corporate of which you or the*

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*relevant person is a director, or in the securities of which you or the relevant person has a beneficial interest;*

*“ director “ includes a member of the committee of management of an industrial and provident society*

*“land” excludes an easement , servitude, interest or right in or over land which does not carry with it a right for the relevant person ( alone or jointly with another) to occupy the land or receive income;*

\*‘Securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

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## APPENDIX B

An interest under paragraph 1 *and* 2 below which relates to or is likely to affect:

### 1. Interests

(i) Any body of which the member is in a position of general control or management and to which ~~he/she is~~they are appointed or nominated by the Council;

(ii) Any body –

(a) Exercising functions of a public nature;

(b) Directed to charitable purposes; or

(c) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which the member of the Council is a member or in a position of general control or management;

(iii) Any gifts or hospitality worth more than an estimated value of £25 which the member has received by virtue of his or her office.

**and**

### 2. Perception of Conflict

*A reasonable member of the public with knowledge of all the relevant facts would think that your interest was so significant that it would be likely to prejudice your judgment.*

### FOOTNOTE 1

*The test for perception is one of conflict of interest; which in other words means the interest must be perceived as likely to harm or impair your ability to judge the public interest.*

### FOOTNOTE 2

This Code of Conduct is based on the template Code of Conduct for parish Councils produced by the National Association of Local Councils (NALC) in 2012 who has given permission for its use by the District Council.

Reproduced with the kind permission of the National Association of Local Councils (NALC) in 2012.

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## APPENDIX C

<b>Principle</b>	<b>Description</b>
Preamble	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<b>Selflessness</b>	Holders of public office should act solely in terms of the public interest.
<b>Integrity</b>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<b>Objectivity</b>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<b>Accountability</b>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<b>Openness</b>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<b>Honesty</b>	Holders of public office should be truthful.
<b>Leadership</b>	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever

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## **Local Government Association**

### **Model Councillor Code of Conduct 2020**

#### **Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

### **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

## **2. Bullying, harassment and discrimination**

### **As a councillor:**

#### **2.1 I do not bully any person.**

#### **2.2 I do not harass any person.**

#### **2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### 3. Impartiality of officers of the council

As a councillor:

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### 4. Confidentiality and access to information

As a councillor:

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

#### **4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## 5. Disrepute

**As a councillor:**

### **5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## 6. Use of position

**As a councillor:**

### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## 7. Use of local authority resources and facilities

**As a councillor:**

### **7.1 I do not misuse council resources.**

### **7.2 I will, when using the resources of the local or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

### **As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## **Protecting your reputation and the reputation of the local authority**

### **9. Interests**

#### **As a councillor:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.



## **10. Gifts and hospitality**

**As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B Registering

### interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable pecuniary interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it

is a 'sensitive interest', you do not have to disclose the nature of the interest.

### Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a friend, relative, close associate; or
  - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

### **Table 2: Other Registerable Interests**

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
  - (i) exercising functions of a public nature
  - (ii) any body directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to



review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

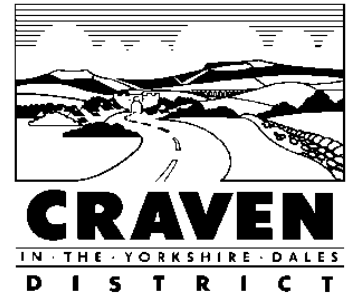
**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***

**Standards Committee –  
10<sup>th</sup> March 2021**

**OFFICERS' CODE OF CONDUCT**



Report of the Solicitor to the Council (Monitoring Officer)

**Ward(s) affected: All**

**1. Purpose of Report**

1.1 To review the Officers' Code of Conduct to ensure it reflects best practice and remains fit for purpose.

**2. Recommendations – Members are recommended to:**

2.1 Consider the current Officers' Code of Conduct and decide what action to take.

**3. Report**

**Introduction**

3.1 At its meeting on the 4<sup>th</sup> November 2020, the Committee agreed a work programme in line with the Committee's terms of reference. A review of the Council's Officers' Code of Conduct was included in that work programme.

**Background**

3.2 The Committee's terms of reference include *'to review, at least every two years, the Council's ... Codes of Conduct ... and to recommend changes to the Council meeting.'* The last detailed review of the Officers' Code of Conduct ('the Code') was carried out in 2015. A copy of the Code appears at Appendix 1.

**Report**

3.3 The extensive review undertaken by the Committee in 2015 resulted in significant sections of the Code being updated and/or rewritten and also the introduction of three corporate template forms. The introduction of these forms – and the procedures which sit alongside them – has resulted in a more consistent and transparent approach to the declaring of interests across the Council.

3.4 In advance of this review, the Monitoring Officer contacted the Corporate and Senior Leadership teams and asked colleagues for any comments they may

have about the current Code and the review. Rather unusually, all responses were positive and included:

*“Personally I think it is pretty clear. I did actually have to refer to it a few times last year and I think it works.”*

*“This ranks amongst the best of the Officer Codes that I have seen.”*

3.5 With senior officers content that the current Code remains fit for purpose and works in practice it is suggested that the Committee undertakes a ‘light touch’ review of the Code. Also, with local government reorganisation now firmly on the horizon, it would perhaps be beneficial to retain a Code of Conduct which officers are familiar with.

3.6 It is however recommended that the Code uses gender neutral terminology in the future.

3.7 Members are asked to review the Code and consider what action to take.

#### **4. Financial and Value for Money Implications**

4.1 None arising directly from the content of this report.

#### **5. Legal Implications**

5.1 None arising directly from the content of this report.

#### **6. Contribution to Council Priorities**

6.1 Robust ethical government arrangements ensure the proper, efficient and effective discharge of the Council’s functions.

#### **7. Risk Management**

7.1 Not applicable.

#### **8. Equality Impact Analysis**

8.1 Not applicable.

#### **9. Consultations with Others**

9.1 Not applicable.

#### **10. Background Documents**

10.1 None

#### **11. Appendix**

- Appendix 1 – Officers’ Code of Conduct

**12. Author of the Report**

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E-mail: [amoppett@cravendc.gov.uk](mailto:amoppett@cravendc.gov.uk)

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

# OFFICERS' CODE OF CONDUCT

## 1. Introduction

The public is entitled to expect the highest standards of conduct from all those who represent Craven District Council.

This Code of Conduct provides guidance to assist the Council and its officers in their day to day work. It is aimed at ensuring that officers are aware of the standards of behaviour expected of them by the Council.

## 2. Scope

This Code of Conduct applies to all Council employees, apprentices and casual workers (collectively known as officers). Volunteers, agency workers and others who work, whether paid or unpaid, for and on behalf of the Council are expected to comply with this Code.

Failure to observe the standards set out in this Code will be regarded as serious and any breach will be managed in accordance with Council Policies and Procedures.

The Code is supplemented by professional guidance regarding standards of conduct in particular areas of work.

## 3. Standards

This Code of Conduct reflects the key principles of public life identified by the Committee of Standards in Public Life (The Nolan Principles). Officers must act in accordance with these principles as set out below and observe the following rules of behaviour:

### **Principle 1 - Selflessness**

Officers should act solely in terms of the public interest.

### **Principle 2 - Integrity**

Officers must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. Officers should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. Officers must declare and resolve any interests and relationships.

### **Principle 3 - Objectivity**

Officers must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Principle 4 - Accountability**

Officers are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Principle 5 - Openness**

Officers should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

## **Principle 6 - Honesty**

Officers should be truthful.

## **Principle 7 - Leadership**

Officers should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Officers of the Council are expected to give the highest possible standard of conduct in their service to the public, and where it is part of their duties to provide appropriate advice to Members and fellow officers, to do so with impartiality.

Officers will be expected to bring to the attention of an appropriate manager any deficiency in levels of conduct.

### **4. Disclosure of information**

The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. The Council is also required by law to keep certain information confidential. The Council may decide in some circumstances to make certain information available to the public for example, under Transparency arrangements or in accordance with the Freedom of Information Act. It is important for officers to be aware of which information the Council properly and lawfully considers confidential and to maintain its confidentiality.

Officers should not use information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to third parties. Any information received by an officer in the course of his or her employment should only be used for the purpose for which it was given or collected and should not be divulged unless the circumstances for disclosure have been specified in advance or where disclosure is required or sanctioned by law.

Any particular information received by an officer from a Member which is personal to that Member and does not belong to the Council should not be divulged by the officer without the prior and explicit consent of the Member, except where such disclosure is required or sanctioned by law.

All officers must comply with the provisions of the Data Protection Act, which provides the legal framework for the management of personal data by organisations. Officers must not access, obtain or disclose any personal data (which is held by the Council) to any third party unless specifically authorised to do so. Failure to comply with the law can result in disciplinary action which can lead to dismissal as well as prosecution.

### **5. Political Neutrality**

Officers serve the Council as a whole. It follows that they must serve all Members and not just those of the controlling group and must ensure that the individual rights of all Members are respected. Where officers are required to advise political groups, they must do so in ways which do not compromise their political neutrality.

This is explained in more detail in the Member Officer Protocol, Part 5 of the Constitution.

Officers, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

Certain posts are designated politically restricted by the Local Government and Housing Act 1989. Employees holding such posts have restrictions placed upon them regarding their out of work activities. Holders of such posts should make themselves familiar with the information which is given to them on appointment.

## **6. Relationships**

The Council expects officers to treat each other equally, fairly and with dignity and respect regardless of their circumstances or personal characteristics.

Officers are also expected to assist the Council achieve its aim of making the work environment free of harassment and/or bullying, discrimination or other unacceptable behaviours.

**Members** – officers are responsible to the Council through its senior managers. For some, their role is to give advice to Members and senior managers and all are there to carry out the Council's work. Mutual respect between officers and Members is essential to good local government.

Officers should avoid close personal familiarity with individual Members. Such familiarity can damage the professional relationship needed to execute the Council's work. Close familiarity can prove embarrassing to other officers and Members and should therefore be avoided.

More information is contained in the Member Officer Protocol, Part 5 of the Constitution.

**The local community and service users** – officers must remember their responsibilities to the community they serve. They must be courteous, efficient and impartial in their service delivery to all groups and individuals with whom they come into contact.

**Contractors** - officers must inform their manager of all relationships of a business or private nature with external contractors or potential contractors.

Officers who engage or supervise contractors and have any other official relationship with contractors or currently have a relationship in a private or domestic capacity with contractors must declare that relationship to their manager.

## **7. Appointments and Other Employment Matters**

As set out in the Council's policy for recruitment and selection, employees involved in appointments should ensure that these are made on the basis of merit. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustment for any other employee who is a relative, partner etc.

## **8. Outside Commitments**

As a general rule, officers should not undertake any type of private work which conflicts with the Council's interest or prevents the employee from fulfilling the terms of their employment contract.

Officers of Senior Officer (SO) grade or above may not engage in any other business or take up any other additional appointment without the express consent of the Council. Such consent is obtained through formal application to the appropriate Service Manager and must not be unreasonably withheld. The Chief Executive is required to obtain the consent of the Leader of the Council. Corporate Leadership Team is required to obtain the consent of the Chief Executive.

Officers should complete Form 1 and hand it to their Manager.

No outside work of any sort, whether paid or unpaid, should be undertaken on Council premises nor may Council facilities be used for this purpose.

Officers should be aware of the Council's position on the ownership of intellectual property or copyright created during their employment. 'Intellectual property' includes inventions, designs and computer software. Where intellectual property is created or developed in the course of an officer's duties it and any profit or property of the intellectual property is the property of the Council.

## **9. Personal, Business, Financial or Other Interests**

The Council and the public must be confident that decisions of whatever nature officers make are made for good and proper reasons and are not influenced by the officer's interests or the interests of their family, relatives or friends.

Officers are required to declare and register with their manager any potential or actual personal, financial, business, other employment or interest which may impact on their work, conflict with the impartial performance of their duties, put them under suspicion of improper behaviour or that could cause damage to the Council's reputation or services. The Chief Executive is required to register any such interests with the Leader of the Council, the Section 151 Officer and the Monitoring Officer.

Officers should declare to their manager membership of any secret society. The definition of 'secret society' is:

Any lodge, chapter, society, trust or regular gathering or meeting which:

- Is not open to members of the public who are not members of that lodge, chapter, society or trust.
- Includes in the grant of membership a requirement on the part of the member to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, trust, gathering or meeting and;
- Includes, whether initially or subsequently, a commitment (whether by



oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

Officers should use Form 2 to declare an interest under this paragraph.

### **10. Equality Issues**

Officers should observe the Council's Equal Opportunities policies in all activities. All members of the local community, customers and other officers have a right to be treated with fairness and equality.

### **11. Separation of Roles during Tendering etc.**

Officers involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior officers who have both client and contractor responsibility must be aware of the need for accountability and openness.

Officers in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Officers who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

Officers should ensure that no special favour is shown to current or recent former officers or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

### **12. Corruption**

Officers must be aware that it is a serious criminal offence for them corruptly to receive or give a gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity

### **13. Whistleblowing**

The Council is committed to achieving high standards of integrity and accountability and expects the same commitment from those working for the Council. Officers are often the first to realise that there may be something seriously wrong within the Council, or have suspicions and could, by reporting their concerns at an early stage, help put things right and stop potential wrong doing.

The Council's Whistleblowing Policy provides a framework for officers to raise concerns which they believe are in the public interest any relate to illegal, improper or unethical conduct. Officers are encouraged to bring to the attention of management the Monitoring Officer or Internal Auditor, knowledge or any such activity and should be able to do so without fear of victimisation.

#### **14. Use of financial resources**

Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

#### **15. Public and Social Media**

The Council has a Communications Officer whose role it is to deal with the press and media and offer advice and guidance to officers.

Unless an officer is acting as a spokesperson for the Council as part of their duties, or is authorised to act as a spokesperson about a particular situation or event, officers should not speak, write or give interviews about the business of the Council to the media or make a public statement which concerns the business of the Council as to do so may result in reputational damage to the Council.

Officers should not use their own social media accounts in such a way as to bring the Council into disrepute.

#### **16. Hospitality and Gifts**

Hospitality should only be accepted if it is important to the business of the Council. There is a clear difference between authorised attendance in an official capacity at a function and the acceptance of hospitality from a private individual or private sector company with an actual or potential commercial interest with the Council.

Officers should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Acceptance of offers of hospitality should be authorised by a manager and recorded.

Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, and where any purchasing decisions are not compromised. Where visits to inspect equipment etc. are required, officers should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

When hospitality has to be declined, those making the offer should be courteously but firmly informed of the Council's policy.

Officers should not accept significant personal gifts from contractors and outside suppliers. Officers may use their judgement to keep insignificant items such as pens, diaries etc.

When receiving authorised hospitality officers should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

Officers should use Form 3 to record receiving any gift or hospitality worth more than an estimated value of £25.

A copy of the record will be kept in the register maintained by the Monitoring Officer.

## **17. Sponsorship**

When an outside organisation wishes to sponsor a Council activity or an individual officer, the rules set out in paragraph 16 above about accepting hospitality and gifts apply.

When the Council wishes to sponsor an event/organisation/individual an officer should follow the rules set out in paragraph 9 above about personal, business, financial or other interests if they benefit, or it could be perceived they may benefit from the arrangement.



**Form 1**

**OFFICERS' CODE OF CONDUCT**

**APPLICATION FOR APPROVAL OF OUTSIDE EMPLOYMENT**

Name in full .....

Service .....

Post held .....

Grading/ Salary .....

Nature of Outside Employment Sought .....

.....

\*Is the post paid/ unpaid? .....

Does this employment, in your view, conflict with or is it detrimental to the interests of the Council or would it weaken public confidence in the conduct of the Council's business?

.....

.....

Signature ..... Dated .....

---

Comments of Line Manager

.....

.....

.....

.....

\*Approved/ Not Approved

.



**Form 2**

**OFFICERS' CODE OF CONDUCT**

**DECLARATION OF PERSONAL, BUSINESS, FINANCIAL OR OTHER INTERESTS**

Name in full .....

Service .....

Post held .....

Grading/ Salary .....

Line Manager .....

Nature of Interest .....

.....

Your role in any relevant business of the Council .....

.....

How might the interest, in your view, conflict with the interests of the Council?

.....

I hereby declare that the above details correctly record any interest, which I may have, which could bring about conflict with the Council's interests.

Signature ..... Dated .....

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For office use only

Received	
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## Register of Gifts and Hospitality

This sheet is to be completed to record the offer and/or acceptance of gifts or hospitality which might be related to work. It should be completed in respect of gifts or hospitality at a value of £25 or over.

(The test to apply is: "Whether a member of the public knowing the facts of the situation would reasonably think that you might be influenced by the interest." The general maxim is - if in doubt, declare".)

Date

////////////////////////////////////  
NAME

Job Title & Service Unit

////////////////////////////////////  
Who made the offer (with date)

Description of offer of gifts, hospitality to be registered

Was the offer accepted?                      Name(s) of anyone else involved

- Yes
- No

How was the offer connected/related to your work?

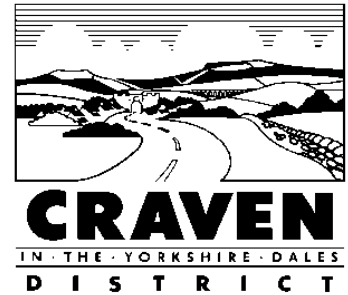
Any other relevant information (including if you passed the gift on to another person or body)

////////////////////////////////////  
Completed forms should be returned to: Monitoring Officer, Craven District Council, 1 Belle Vue Square, Broughton Road, Skipton, North Yorkshire, BD23 1FJ



**Standards Committee –  
10<sup>th</sup> March 2021**

**PARISH REPRESENTATIVES**



Report of the Solicitor to the Council (Monitoring Officer)

**Ward(s) affected: All**

**1. Purpose of Report**

1.1 To provide the Committee with an update on the appointment of Parish Representatives.

**2. Recommendations – Members are recommended to:**

2.1 Note the contents of the report.

**3. Report**

**Background**

3.1 As Members will know, the Committee is comprised of five District Councillors, each with voting rights, together with up to four co-opted Parish Representatives (non-voting). The Committee is also supported by three Independent Persons.

3.3 There has been two parish vacancies for some time and at the last meeting, after considering the number of Parish Representatives currently appointed to Standards Committee, the Committee concluded that the number should remain at four.

**Report**

3.4 On the 1<sup>st</sup> March 2021, the Monitoring Officer wrote to all the parish and town councils in the district and invited them to submit nominations for parish representatives. If more than two nominations are received, a ballot will be held in the usual way.

3.5 A copy of the timetable for the appointment of two Parish Representatives is attached at Appendix 1.

**4. Financial and Value for Money Implications**

4.1 None arising directly from the content of this report.

**5. Legal Implications**

5.1 None arising directly from the content of this report.

**6. Contribution to Council Priorities**

6.1 Not applicable.

**7. Risk Management**

7.1 Not applicable.

**8. Equality Impact Analysis**

8.1 Not applicable.

**9. Consultations with Others**

9.1 Not applicable.

**10. Background Documents**

10.1 None

**11. Appendix**

- Appendix 1 – Timetable for the appointment of Parish Representatives

**12. Author of the Report**

Name: Annette Moppett, Solicitor to the Council (Monitoring Officer)

Telephone: 01756 706325

E-mail: amoppett@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

## CRAVEN DISTRICT COUNCIL

### STANDARDS COMMITTEE

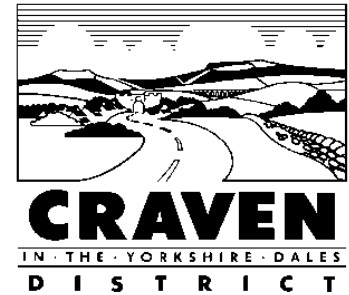
#### TIMETABLE FOR THE APPOINTMENT OF PARISH REPRESENTATIVES

ACTION TO BE TAKEN	DATES BY WHICH ACTION TO BE COMPLETED
Parishes invited to submit nominations	1 <sup>st</sup> March 2021
Nomination period	1 <sup>st</sup> March 2021 – 5 <sup>th</sup> April 2021
Closing date for nominations	6 <sup>th</sup> April 2021 (12 noon)
Send out ballot papers to Parish Councils	6 <sup>th</sup> April 2021
Voting period	6 <sup>th</sup> April 2021 – 14 <sup>th</sup> May 2021
Closing date for receipt of ballot papers	14 <sup>th</sup> May 2021 (12 noon)
Count of votes and declaration of result	14 <sup>th</sup> May 2021 (5 pm)
Successful candidates offered appointment	15 <sup>th</sup> May 2021
Council confirms appointment	25 <sup>th</sup> May 2021 (Annual Meeting)

**Standards Committee –  
10<sup>th</sup> March 2021**

**MONITORING REPORT**

Report of the Solicitor to the Council (Monitoring Officer)



**Ward(s) affected: All**

**1. Purpose of Report**

1.1 To provide Members with an update on the number and progress of Code of Conduct complaints since the last report presented to this Committee (4<sup>th</sup> November 2020).

**2. Recommendations – Members are recommended to:**

2.1 Note the contents of the monitoring report.

**3. Report**

3.1 The usual monitoring report is attached at Appendix A updated to show new complaints received and progress made. A verbal update will be provided at the meeting.

3.2 The COVID19 pandemic has had, and continues to have, a significant impact on the usual work of the Council. This has meant that the timescales set out in the approved 'Arrangements for Dealing with Complaints' have not always been met.

**4. Financial and Value for Money Implications**

4.1 There are no financial implications arising from the content of this report.

**5. Legal Implications**

5.1 There are no legal implications arising from the content of this report.

**6. Contribution to Council Priorities**

6.1 Robust ethical government arrangements ensure the proper, efficient and effective discharge of the Council's functions.

**7. Risk Management**

7.1 Not applicable.

**8. Equality Impact Analysis**

8.1 Not applicable.

**9. Consultations with Others**

9.1 Not applicable.

**10. Background Documents**

10.1 Internet link to the updated Arrangements for Dealing with Complaints:  
[https://www.cravendc.gov.uk/media/8809/complaints-procedure\\_revised-with-appendices.pdf](https://www.cravendc.gov.uk/media/8809/complaints-procedure_revised-with-appendices.pdf)

**11. Appendices**

- Appendix 1 – Monitoring Report

**12. Author of the Report**

Name: Annette Moppett, Solicitor to the Council (Monitoring Officer)

Telephone: 01756 706325

E-mail: [amoppett@cravendc.gov.uk](mailto:amoppett@cravendc.gov.uk)

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

<b>Date complaint received</b>	<b>Reference</b>	<b>Status</b>	<b>Alleged Breach</b>
12 <sup>th</sup> June 2020	2020/03	Decision Notice issued 3 <sup>rd</sup> August 2020. Referral for investigation. Investigator appointed 3 <sup>rd</sup> August 2020. Investigation on going.	Town Council Obligations 1, 2, 3 & 5.
10 <sup>th</sup> September 2020	2020/05	Decision Notice issued 6 <sup>th</sup> November 2020. No further action.	Town Council Details to be confirmed.
23 <sup>rd</sup> September 2020	2020/07	Decision Notice issued 2 <sup>nd</sup> February 2021. Informal action.	Town Council Obligations 1 & 2
23 <sup>rd</sup> September 2020	2020/08	Decision Notice issued 2 <sup>nd</sup> February 2021. Informal action.	Town Council Obligations 1 & 2
23 <sup>rd</sup> September 2020	2020/09	Decision Notice issued 2 <sup>nd</sup> February 2021. Informal action.	Town Council Obligations 1 & 2
23 <sup>rd</sup> September 2020	2020/10	Decision Notice issued 2 <sup>nd</sup> February 2021. Informal action.	Town Council Obligations 1 & 2
3 <sup>rd</sup> December 2020	2020/06	Decision Notice issued 13 <sup>th</sup> January 2021. Referral for investigation. Investigator appointed 21 <sup>st</sup> January 2021. Investigation on going.	District Council Obligation 1 & Principles of Public Life
14 <sup>th</sup> December 2020	2020/11	Request for confidentiality rejected 6 <sup>th</sup> January 2021. Further information requested. No further information provided as at 1 <sup>st</sup> March 2021.	District Council Details to be confirmed.

## Appendix 1