

Guildhall Gainsborough  
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## AGENDA

This meeting will be webcast live and the video archive published on our website

Standards Sub-Committee  
Thursday, 15th July, 2021 at 10.00 am  
Council Chamber - The Guildhall

**PLEASE NOTE DUE TO CAPACITY LIMITS WITHIN THE GUILDHALL THE PUBLIC VIEWING GALLERY IS CURRENTLY SUSPENDED**

This Meeting will be available to watch live via: <https://west-lindsey-public-i.tv/core/portal/home>

**Members:**

- Councillor Mrs Anne Welburn (Chairman)
- Councillor David Cotton (Vice-Chairman)
- Councillor Mrs Tracey Coulson
- Councillor Mrs Diana Rodgers
- Councillor Mrs Mandy Snee
- Councillor Robert Waller

### Non Voting Members

**Independent People**

- Stephen Beard
- Andrew Middleton

**Parish Council Rep**

- Cllr Elizabeth Hillman

1. **Apologies for Absence**
2. **To Approve the Minutes of the Previous Meeting** (PAGES 3 - 6)  
To approve and sign as a correct record the Minutes of the

previous Meeting of the Standards Sub-Committee held on 24 November 2020.

**3. Declarations of Interest**

Members may make any declarations of interest at this point but may also make them at any time during the meeting.

**4. Public Reports:**

- a) To Review the Number, Nature and Outcome of Complaints received during the Civic Years 2016/2017 - 2021/22 (to-date June 2020) (PAGES 7 - 16)
- b) LGA New Model Code of Conduct - to consider recommending its adoption, by West Lindsey District Council (PAGES 17 - 39)

Ian Knowles  
Head of Paid Services  
The Guildhall  
Gainsborough

7 July 2021

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Standards Sub-Committee held in the Via Ms Teams at <https://west-lindsey.public-i.tv/core/portal/home> on 24 November 2020 commencing at 6.30 pm.

**Present:** Councillor Mrs Anne Welburn (Chairman)

Councillor Robert Waller  
Councillor Mrs Tracey Coulson  
Councillor Mrs Diana Rodgers  
Councillor Mrs Mandy Snee

**Independent Persons  
(Non Voting)** Stephen Beard  
Madge Marshall-Brown

**Parish Council Reps  
(Non-Voting)** Liz Hillman  
Bruce Allison

**In Attendance:**  
Katie Storr Democratic Services & Elections Team Manager (Interim)  
James O'Shaughnessy Head of Policy Strategy and Sustainable Environment /  
Deputy Monitoring Officer  
Alan Robinson Director of Corporate Services and Monitoring Officer

**Apologies:** Councillor David Cotton

### 1 REGISTER OF ATTENDANCE

The Monitoring Officer undertook the attendance roll-call, in line with the adopted virtual meeting procedure, during which apologies were noted from Councillor David Cotton.

The Independent People and Parish Council representatives were welcomed to the meeting and round table introductions were made.

### 2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

### **3 TO REVIEW THE NUMBER, NATURE AND OUTCOME OF COMPLAINTS RECEIVED DURING THE CIVIC YEARS 2016/2017 - 2020/21 (TO-DATE 31 OCTOBER 2020)**

The Committee gave consideration to the report giving statistics on the nature, number and outcome of complaints received during the civic years 2016/17 – 2020/21 (to-date 31 October 2020).

There was an acknowledgement that social media now played a part in the number of complaints and since the start of lockdown the number of complaints was rising.

There was long discussion around possible proactive work the Sub-Committee could undertake but Members were urged to remain cautious given the limited sanctions which could be imposed. Considering the likely outcome to be achieved was always an overriding consideration. Managing expectations was an important role and under the current regime results were only achievable if people were willing to work together.

Resources could only realistically be invested where people were prepared to work together, the Authority did not have the power to remove councillors from office and if this was the only desirable outcome it was quickly acknowledged that a satisfactory resolution was unlikely.

All were in agreement that training, guidance and repeated reminders for Members were key and lengthy discussion took place on the ways in which Members may be better engaged, the messages kept fresh and that they addressed emerging issues.

Suggestions made included:

- \* Regular reminders be issued about adhering to the Code of Conduct.
- \* A training session on social media be recorded – and this be rolled out by the Monitoring Officer to all Parish Councils asking that the video be included as a workshop session on their agenda.
- \* Development of crib sheets giving phrases that could be used when in a confrontational situation.
- \* Creation of a district wide campaign for when online, prompting the Member to pause and think before publishing - is it true/helpful/necessary. If it isn't, then just don't say anything, for example.
- \* Do's and Don'ts sheets for particular areas.
- \* Promoting and encouraging the use of Standing Orders to manage behaviour and protect Councillors.

Encouraging people to register a “concern” earlier, rather than wait for matters to worsen and culminate in a complaint, was discussed as being a possible avenue to explore. Both Officers and the IPs outlined the pragmatic approaches currently used. Considerable amounts of time were already spent dealing with concerns that were not complaints and this work was not captured within the report.

Trying to ensure communities understood we were here to help, but had limited powers was a key message and needed to be factored into any communications or video messages drafted.

Following lengthy discussion with a plethora of suggestions made it was

**RESOLVED** that : -

- (a) the statistical data presented within the report be received and noted; and
- (b) having given consideration as to whether there is proactive work that should be undertaken, Officers be requested to give further consideration to the creation of a host of fact sheets, campaign leaflets, videos, help sheets, in line with areas discussed, to form part of our “standards package” to parish Councillors, for consideration at a future meeting / workshop.

#### **4 BRIEF UPDATE ON THE LGA'S NEW MODEL CODE CONDUCT**

Officers had recently had attended a workshop on the consultation for the LGA’s new model Code of Conduct, and were pleased to note from the key findings, that other authorities were like-minded with West Lindsey.

The phrase civility had not been well received and it was likely the word “respect” would be introduced into the new Code.

Officers had also attended the Monitoring Officer conference and again the Sub-Committee’s feedback had been well aligned with most other Authorities’ views. The LGA had been made very much aware of our thoughts on sanctions and again these views were common across the sector.

Members were again reminded that those areas which would generate fundamental change still required legislation amendments and all things considered, this had not been a priority for the Government.

The Code was expected to be considered by the LGA Board prior to the end of the year.

Brief mention of the best practice recommendations was made, two remained outstanding namely : -

- \* The creation of a Flow Chart – the Authority didn’t currently publish a flow chart for sifting cases, deciding whether to take a case forward for investigations. Whilst there was a clear, publicised process the best practice recommendations expected that this be accompanied by a simple flow chart. Officers undertook to progress this work over the coming months
- \* An Annual Review of the Code – The Authority had last fundamentally reviewed its Code in 2017/18 however it was not common practice for it to be reviewed every year. Best practice recommended this should be case, and should the Authority choose in the future to adopt a new Code, an annual review process would be built in.

One best practice recommendation the Authority had chosen not to implement was the

recommendation that written details of the IPs advice should be included in decision notices. Until such time as the law required the Authority to do this, and that Independent Persons were given indemnity against any kind of legal action regarding their comments, as was the case with the post of Monitoring Officer, the Officer view was that this seemed unreasonable.

As previously reported to the Sub-Committee all the remaining best practice recommendations had been implemented by WLDC under its own volition prior to the Committee for Standards in Public Life being published.

The update was **NOTED**.

The meeting concluded at 7.29 pm.

Chairman



Standards Sub Committee

15 July 2021

**Subject: To Review the Number, Nature and Outcome of Complaints received during the Civic Years 2016/2017 – 2021/2022 (to-date – 30 June 2021)**

Report by:

Monitoring Officer

Contact Officer:

James O'Shaughnessy

Monitoring Officer

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[James.O'Shaughnessy@west-lindsey.gov.uk](mailto:James.O'Shaughnessy@west-lindsey.gov.uk)

Katie Storr

Democratic and Elections Team Manager

01427 676594

[Katie.coughlan@west-lindsey.gov.uk](mailto:Katie.coughlan@west-lindsey.gov.uk)

Purpose / Summary:

This report presents a data analysis of the number, nature and outcome of complaints received under the Code of Conduct regime for the civic years 2016/17 through to 2021/22 (to-date 30 June 2021).

It also sets out a summary of trends noted in most recent years.

**RECOMMENDATION(S): that**

- (a) Members note the statistical data presented within the report; and**
- (b) Members support the approach to pro-active work detailed in Section 5.**

## IMPLICATIONS

**Legal:**

**No legal requirement to report the outcome of complaints. The Localism Act does require the Authority to have a process by which it should deal with complaints made under the Code of Conduct**

**Financial :**

**None**

**Staffing :**

**None**

**Equality and Diversity including Human Rights :**

**None**

**Risk Assessment :**

**None**

**Climate Related Risks and Opportunities :**

**None**

**Title and Location of any Background Papers used in the preparation of this report:**

## **1 Background and Introduction**

1.1 During the Civic Year 2016/17 the Standards Sub-Committee undertook a considerable amount of work in reviewing the Authority's Code of Conduct.

1.2 In support of the rationale for change the Committee were also provided with statistical information which covered the period 1 October 2015 – 30 September 2016.

1.3 As a result, a revised Code of Conduct was formally adopted by the District Council in May 2017, and incorporated provisions relating to

- Respect / Bullying and Harassment
- Confidential Information; and
- Use of Resources

1.4 On adoption of the New Code of Conduct, the Standards Sub Committee also resolved that Officers be requested to report regularly to this Committee the number, nature and outcome of complaints received under the Code of Conduct.

1.5 This report sets out statistical information for: -

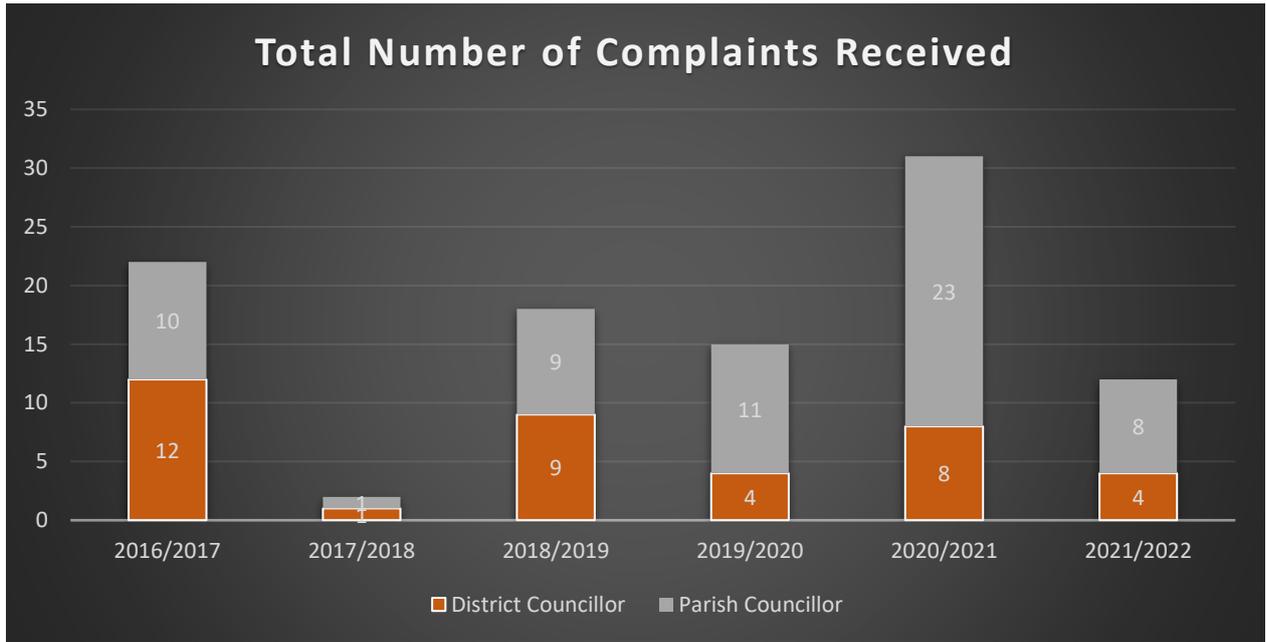
- the Full Civic year before the adoption of the new Code (2016/17);
- the Full Civic year after the adoption of the new Code (2017/2018) during which time proactive work was being undertaken with Parish Councils with a view to them also adopting the Code; and
- the Full Civic years of 2018/19; 2019/20 and 2020/21
- the 2021/22 Civic year to date (30 June 2021 (2 months)).

1.6 The Committee last received a statistical report in November 2020, in which the data reported, cover the period up until 31 October 2020.

1.7 It is hoped that by providing data for both pre and post adoption of the new Code, the Sub-Committee may be able to identify the impact, if any, the Code's adoption has had and determine whether undertaking further pro-active work around the standards of behaviour expected would be of assistance.

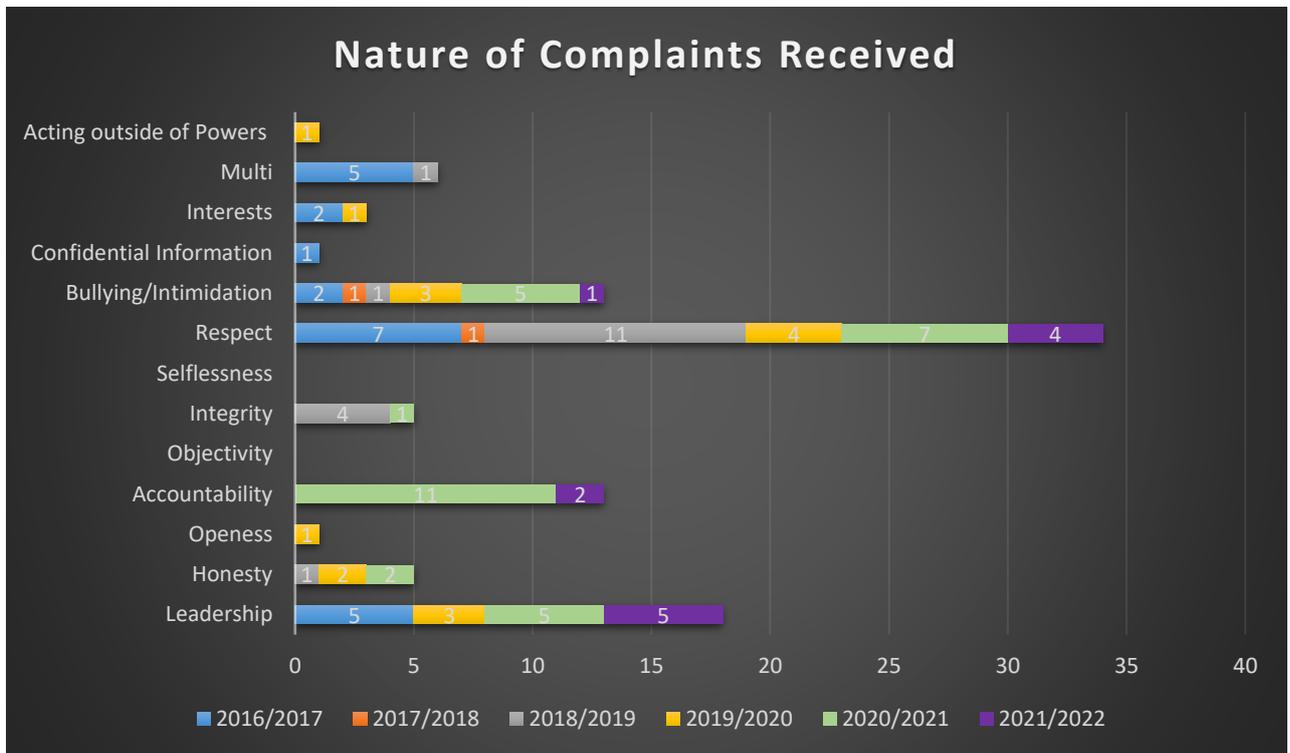
## **2. Summary of Number, Nature and Outcome of Complaints received during the Civic Years 2016/17, 2017/2018, 2018/19, 2019/20, 20/21 and 21/22 (to-date)**

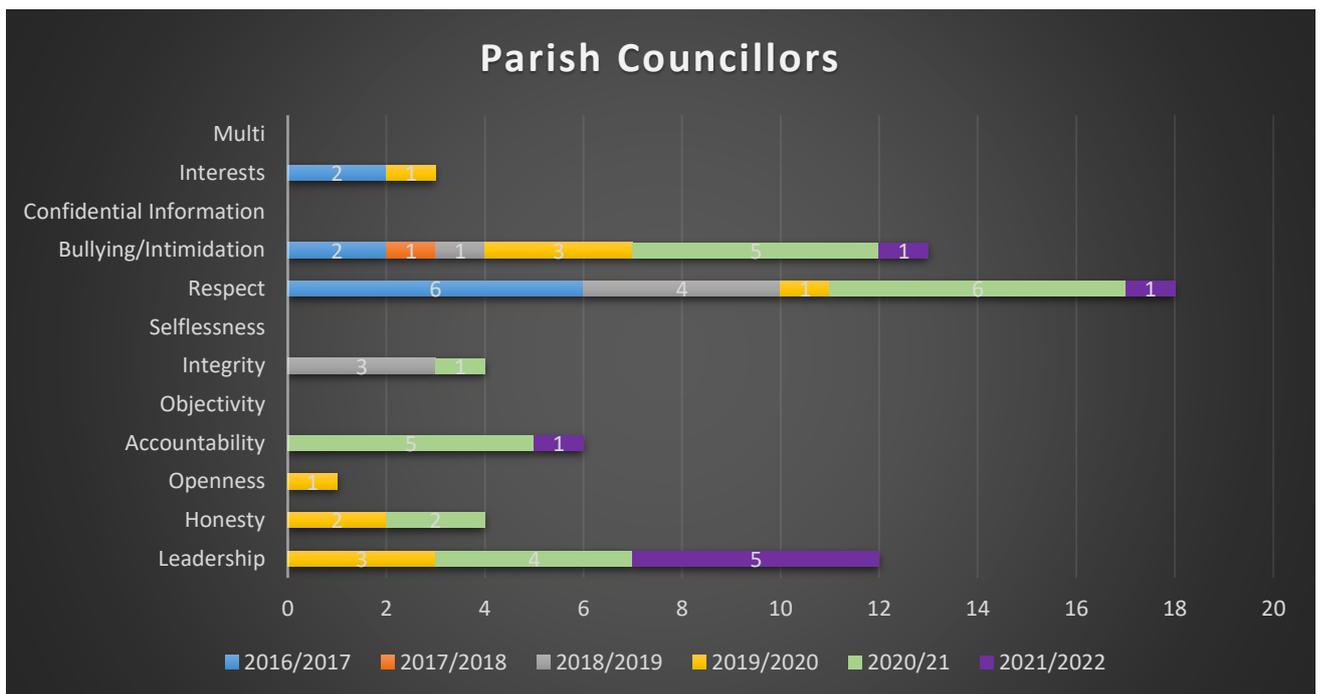
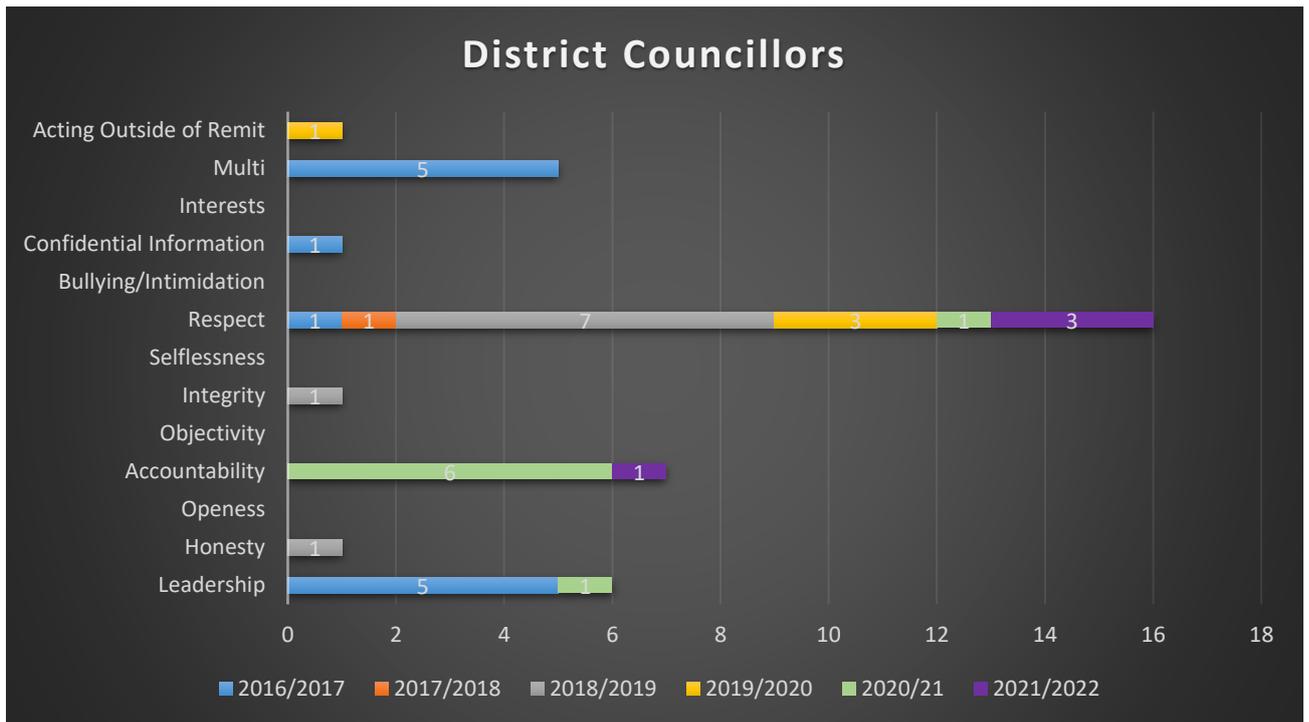
2.1 The graph below shows the total number of complaints received for each year and whether these were related to a Parish or District Councillor.



2.2 The charts below sets out:-

- a) the nature of the complaints received for each year as total.
- b) the nature of the complaints received for each year split between District Councillors and Parish Councillors.



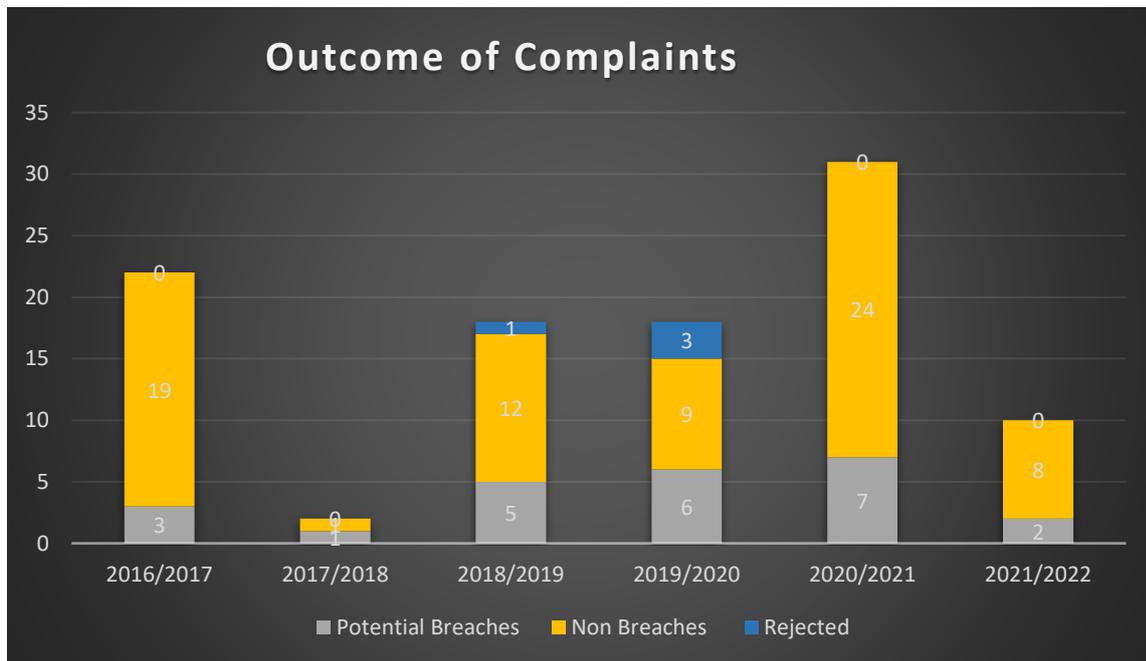


**Note:**

It should be noted that the way in which data is collated changed with the introduction of the new Code. It is difficult to make direct comparison and some Officer interpretation is used when categorising the complaints.

This is an area of work that will need to be re-visited again, should the Council choose to adopt a new code – see section 5.

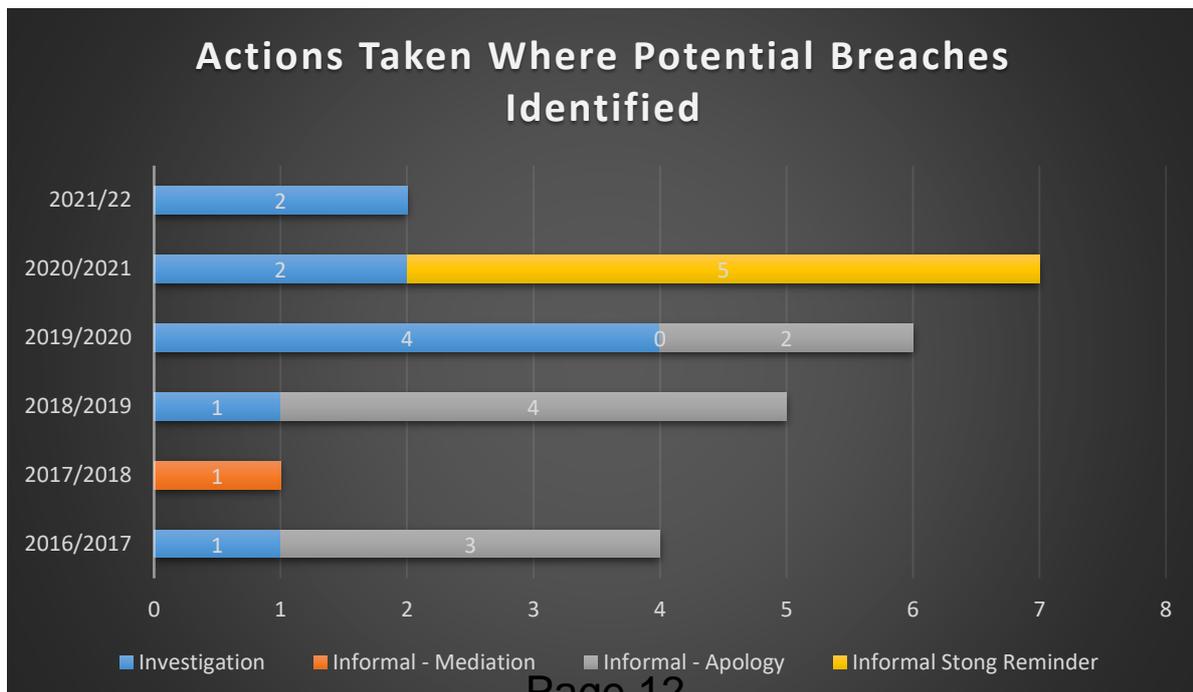
2.3 The Chart below sets out the outcome of each complaint received during each year



Note: These cases are deemed potential breaches as no formal investigation has been undertaken at this stage in the process.

At the time of writing the report two complaints were yet to be determined.

2.4 The Chart below sets out the action taken in respect of each case where a potential breach of the Code was identified.



Note: 1 case logged as investigation during 2020/21 went straight to the issue of sanctions

2 cases logged as investigation during 2021/22 went straight to the issue of sanctions

All related to District Councillors and action taken was supported by the relevant Group Leaders

### **3. Current approach**

3.1 As indicated on its adoption, the Code is enforced with the ethos of good governance, openness and transparency underpinning any decisions made. Local and informal resolution is always used wherever possible. This is particularly important due to the imposable sanctions being limited. Complaints are only to be released into the public domain, when all forms of local and informal resolutions have failed.

3.2 Complaints regarding respect, bullying and harassment, are considered within a threshold of tolerance, with less tolerance applied for complaints regarding behaviour towards the public or very public acts.

3.3 That being said, the Code is not intended to stifle the rough and tumble of political debate, nor to enable malicious, petty, politically or personally motivated complaints to be pursued.

3.4 This can be demonstrated by the limited amount of complaints being pursued to formal investigation.

3.5 The Code aims to respect a Councillor's right to a private life, however, it is important to understand that the public, particularly in small communities, will never see their elected Members as off duty. In such cases elected Members are issued with polite reminders as to the impact their behaviour could have on the reputation of local democracy but no further action can legally be taken.

3.6 With the ever increasing need to safeguard the spending of public funds since late 2019 when the Monitoring Officer has received complaints that outline behaviour which clearly is in breach of the Code, where the facts have already established on receiving the complaint, ie they are simple and the impact on democracy is considered great. Sanctions have been issued in the absence of an investigation, which would be at the cost of the taxpayer.

3.7 The Authority has in recent years also begun to publicise when a Councillor has failed to comply with a sanction issued by the Monitoring Officer. Complying with sanctions is a requirement of the new code of Conduct.

#### **4. Summary of Trends for 2020/21 and emerging trends for 2021/22**

- 4.1 The 2020/21 civic year saw our highest number of complaints received. With a total of 31. Double the amount seen in 2019/2020 and nearly as many as 2019/2020 and 2018/2019 combined.
- 4.2 We continue to receive more complaints about Parish Councillors as opposed to District Councillors, but this is to be expected given the greater number of parish councillors as opposed to District Councillors .
- 4.3 Anecdotally complaints across a large number of sectors were up due to the very “different” year 2020 was. Arguably people had more time to pursue such matters. With the move to on-line meetings and the need to broadcast live, Councillors particularly, Parish Councils, have been much more accessible to the Public. Their behaviour and operation scrutinised to a greater degree than usual.
- 4.4 Greater engagement in local democracy is always to be welcomed , but this does give rise to greater expectations and the need for improved standards as borne out by the total number of complaints received.
- 4.5 2021/21 also saw particular hotspots across the District resulting in a number of complaints concentrated on similar issues in the same area, thereby increasing the overall total number of complaints received. arguably “skewing” the data.
- 4.6 The main source of complaints continues to be respect, bullying and intimidation and Leadership. Leadership is often used to categorise complaints which cover multiple aspects of the code, and can be an early indication of wider or entrenched issues. Accountability also features highly in recent complaints and could reasonably be as a result of the increased transparency virtual meetings brought about.
- 4.7 Social media continues to feature highly in a number of complaints. This will likely be the case going forward given its prominence now in society. Again the LGAs new code specifically mentions social media and guidance notes to help both Members and Officers are expected soon.
- 4.8 The majority of complaints still result in a “no breach” determination being made at the initial assessment stage. This is primarily as result of them relating to behaviour in a Councillor’s private capacity, relating to procedural issues or having been deemed to not meet the threshold worthy of investigation. Some are simply not within the public interest The scope of the Code is becoming a bigger issue, but legislative change would be required to encompass additional scenarios.
- 4.9 The number of complaints falling outside of the Code has reduced significantly, directly as a result of the additional provisions being included in the Code from May 2017 onwards.
- 4.10 Investigations are costly, and time consuming and with impossible sanctions being limited, this is arguably not a cost effective use of public

funds. That being said costs would not prevent the most serious cases being further investigated and the public interest is also considered.

- 4.11 During 2020/21 of the 7 potential breaches, 2 were referred for investigation. One relating to a Parish Councillor and one to a District Councillor. One was fully investigated and in light of the investigating officer's report the local resolution process was utilised. The second was subject to the process detailed at Section 3.6 of the report and resulted in sanctions.
- 4.12 Both subject members were subsequently issued non compliance public censure notices
- 4.13 The remaining 5, whilst not sent for investigation, did result in informal action being taken.
- 4.14 Whilst this report only covers 2 months of the 2021/2022 civic year, Members will see clearly the trend seen in 2020/21, of an increased number of complaints, which appears to be continuing with 12 complaints already received, and 2 cases resulting in sanctions, with the need for an investigation.
- 4.15 Virtual regulations expired on 7 May and with complaints being made retrospectively it remains to be seen if the return to physical meetings will see complaints levels drop to pre-Covid levels or whether this trend is to continue
- 4.16 Over the past year and in recent months there has been a move to issuing strong reminders about behaviour and offering informal mediation, in recognition that a public hearing offers little resolution. In some cases it is evident neither an Investigation or a Hearing will offer any further resolution, and a pragmatic approach is adopted. The Authority is focussed on trying to achieve an outcome, and a change in behaviour and will pursue this option over a hearing wherever possible. Resources are therefore being allocated to activities which it is hoped will result in positive outcomes.
- 4.17 Much work is undertaken in trying to improve people's understanding of the limitations of the Code of Conduct, and how the current regime does not have the powers the public often perceive it too. Outcome based advice is offered wherever possible and routes of redress with greater sanctions are often highlighted to complainants.
- 4.18 The Independent People will be present at the meeting and may wish to share their views of the assessment process and trends seen particularly in recent months
- 4.19 Trends for earlier years can be viewed in previous reports submitted to this Committee

## 5 Moving Forward -

5.1 The Committee when considering these reports are often are asked to consider whether any further informal actions should be undertaken by the Monitoring Officer at this stage.

Examples could include

- \* Issuing further guidance on social media and e-mail communications
- \* More training on the Code
- \* Encouraging Chairman – to make better use of the Standing Orders to manage behaviour in meetings

5.2 Members when they last considered this report made a number of suggestions, including the creation of videos and guidance sheets as detailed in the minutes of the meeting held on 24 November 2020.

5.3 With the launch of the LGAs new Model Code in January 2021 and with it the promise of supporting guidance notes and information sheets. With the agreement of the previous Monitoring Officer, the work suggested at the last meeting has not progressed. The rationale being that this could have resulted in duplicated work.

5.4 It is proposed that the publication of these documents be awaited in the first instance after which time the Sub-Committees previous suggestions be re-visited, and any noticeable gaps in the LGA documentation be rectified with local guidance.

5.5 It is important any local guidance produced compliments national guidance available.

5.6 Officers are also suggesting that should the new Code be adopted, the complaints form and logging process should be revisited. The complaint form currently puts much emphasis on the Nolan provisions rather than the paragraphs of the Code and relies on the complainant being able to categorise their complaint. Members' behaviour is assessed against the Code with Nolan principles being the overarching theme. Re-designing the form would allow for complaints to be more clearly and accurately categorised and allow for greater analysis moving forward.



**Standards Sub-Committee**

**15 July 2021**

**Subject: LGA New Model Code of Conduct – to consider recommending its adoption, by West Lindsey District Council**

Report by:

Monitoring Officer

Contact Officer:

Katie Storr  
Democratic and Elections Team Manager  
(Interim)  
[Katie.storr@west-linsey.gov.uk](mailto:Katie.storr@west-linsey.gov.uk)

Purpose / Summary:

To present the LGA's New Model Code of Conduct following its National Launch in January 2021 and to consider recommending its adoption by West Lindsey District Council and subsequently the Parishes of the District.

## **RECOMMENDATION(S):**

- 1) That the Standards Sub-Committee recommend to the Governance and Audit the LGA Model Code of Conduct be the standard by which WLDC Councillors should be expected to adhere to and as such request that they subsequently recommend it to Full Council for formal adoption.**
- 2) That Standards Sub-Committee support the programme and time-line of associated work to be undertaken to seek adoption of the Code of Conduct by Parishes across the District by May 2022**

## IMPLICATIONS

**Legal:**

The Council is required to have a Code of Conduct which meets the Nolan principles.

**Financial :**

None directly arising from the report

**Staffing :**

There will be additional work short term ensuring both district and parish councillors are engaged with this process through a series of workshops and training events. This work will be met from within existing resources.

**Equality and Diversity including Human Rights :**

The LGA Model Code strengthens the requirement for Members to abide by the Equality Act.

**Data Protection Implications :**

None directly arising from the report

**Climate Related Risks and Opportunities:**

None directly arising from the report – However associated work in promoting the Codes uptake and training of Members will be held virtually wherever possible. Reducing travel across the District.

**Section 17 Crime and Disorder Considerations:**

None directly arising from the report

**Health Implications:**

None directly arising from the report

**Title and Location of any Background Papers used in the preparation of this report :**

<b>Risk Assessment :</b>

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## 1. Background

- 1.1 Members will recall that in 2018 the Committee for Standards in Public Life (CSPL) undertook a review of local government ethical standards and in 2019 published its report and findings.
- 1.2 The CSPL made a series of recommendations to the government for legislative changes to be made and series of best practice recommendations for local authorities to be considered as a benchmark of good ethical practice.
- 1.3 The Sub-Committee considered this matter at its meeting on 6 November 2019. The relating report and minute can be viewed at <https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CId=237&MId=2653&Ver=4>
- 1.4 The Government was expected to respond to the report in September 2019 setting out whether or not it accepted some or all of the recommendations. A full response is still awaited ,
- 1.5 However, one recommendation which has seen progress, is the recommendation that the Local Government Association should create an updated model code in consultation with representative bodies of Councillors and Officers across all tiers of local government.

## 2. Development of the Model Code, Consultation Undertaken and Outcomes

- 2.1 Hoey Ainscough associates were appointed by the LGA in the Spring of 2020 and produced a first draft Code in the Summer of 2020. The sub-committee considered this matter at its meeting on 12 August 2020, the report can be viewed at <https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CId=237&MId=2851&Ver=4>  
An appropriate consultation response, in line with the Committee's informal discussions, was submitted and shared with Members. Members were also encouraged to respond separately and information was circulated to parish councils.
- 2.2 Over 1600 written responses to the consultation were received and there were over 1000 participants across the 4 webinars held, and at which the Authority had representation.
- 2.3 High Level Consultation responses are summarised as follows: -
  - Overwhelming support for the Code. But a number of issues raised.
  - First person or third person
  - Respect or Civility?
  - More on social media including confidentiality.
  - Declaration of gifts £25 too low £50 too high?
  - Need for accompanying guidance with examples
  - Equality Act - obligation to comply
  - Obligation to cooperate with investigation
  - Compulsory training for members
  - Sanctions

2.4 Through the Autumn of 2020 the draft Code and the consultation responses received were given further consideration with the final draft Code approved by the LGA Board in December 2020 and launched at a series of events in January 2021.

### **3. Resulting Code of Conduct and Reasons for recommending adoption.**

3.1 The new model code of conduct is attached at Appendix A.

3.2 The New Code Covers

- Respect
- Bullying, harassment and discrimination
- Respect for the impartiality of officers of the council
- Confidentiality and access to information
- Disrepute
- Use of position
- Use of local authority resources and facilities
- Complying with the Code of Conduct
- Protecting councillors' reputation and the reputation of the local authority
- Gifts and hospitality
- Declaration of interests wider than the DPI Regulations
- Strengthens emphasis on intimidation, abuse and bullying
- Reiterates that all forms of councillor communications are included, including social media
- Improves guidance re gifts, hospitality and conflict of interests
- Has a wider scope

3.3 Members will be aware that West Lindsey over recent years has extensively revised its Code of Conduct having recognised that a Nolan Principle only Code did not suffice, re-introducing much of its previous Code, as far as legislation permitted.

3.4 Of the 14 best practice recommendations arising from the CSPL report, West Lindsey had already introduced 10 of its own volition, and through experience of dealing with Code of Conduct matters.

3.5 West Lindsey's current Code already includes many of the provisions including respect, bullying, compromising officers, bringing the authority in disrepute, confidentiality, reference to social media and local provision requiring the declaration of wider interests in respect of planning decisions. It also has a clear scope on when the Code can be applied.

3.6 Members will note that the word civility, which was not supported by this Sub-Committee has been replaced by the more commonly understood phrase, "treating others with respect."

3.7 Members will also note that whilst sanctions cannot be addressed through the Code, due to legislation changes being required, (an area the committee has previously expressed concern with) the model code does now place a

requirement for Councillors to comply with any sanction if they are found to have breached the Code of Conduct.

- 3.8 West Lindsey's approach to wider declarations of interest is also supported within the LGA's Model Code, albeit the requirements are slightly different and there will need to be a process of re-educating and re-training members appropriately.
- 3.9 Whilst moving to the new Model Code of Conduct is not a mandatory requirement, and arguably it places very few additional requirements on our Members due to the significant revisions agreed in 2018, a national single code for all elected members, with clear wording and additional guidance, working examples and explanatory text is something Officers believe should be welcomed. A reasonable, clear, national standard for all can only be seen as an improvement.
- 3.10 The LGA have commissioned Hoey Ainscough associates to commission the additional guidance referred to above. This was anticipated to be launched in March 2021 but is now expected to be launched on Thursday 8 July at the LGA's virtual conference.
- 3.11 This guidance, it is anticipated, will provide both those subject to the Code and those charged with assessing complaints made under Code, clear expectations and a commonly understood interpretation; something which has not been provided since the introduction of the Localism Act.
- 3.12 Guidance notes are something the Sub-Committee have previously commented are required and Officers had begun to develop West Lindsey specific ones but halted work, pending the development of new model code. The LGA Guidance notes will be shared with the Sub-Committee as soon as they become available after 8 July.
- 3.13 Additional Benefits of adopting the Code are
- Greater consistency of approach to standards cases
  - Potential for higher standards of conduct
  - Addresses specific areas of concern raised through the consultation
  - Reduces levels of complexity around particular issues
  - Introduces more robust safeguards needed to strengthen a locally determined system
  - Importantly recognises that Councillors should be able to undertake their role without being intimidated, abused, bullied or threatened by anyone including the general public.
- 3.14 It is therefore recommended, that the Standards Sub-Committee recommend to the Governance and Audit Committee (and subsequently Full Council) that West Lindsey District Council adopt the LGA Model Code in its entirety including the guidance and supporting notes.

#### 4. Parish Council Adoption

- 4.1 The Sub-Committee will be aware that Parish Councils are also required to have and adopt a Code of Conduct , which must as a minimum address the Nolan Principles.
- 4.2 Currently across the District 49 Parishes have adopted WLDC’s current Code, 19 have adopted the NALC Code and 5 have codes of their own.
- 4.3 Should the Sub-Committee be supportive of the District Council adopting the LGA Model Code of Conduct, work will need to be undertaken with the Parishes with a view to encouraging them to also adopt the Model Code.
- 4.4 It should be noted that NALC have indicated their intention to withdraw their current model Code, instead promoting the LGA Model Code as the standard to work to.
- 4.5 Officers have recently attend a LALC event, attended by Parish Clerks and outlined the work the authority is currently doing in respect of this matter.
- 4.6 Set out below is a timetable of associated work to be undertaken in adopting and implementing the new Code of Conduct both within the District Council and subsequently across its Parishes.

Action	Date
Recommendation from this Committee Submitted to the Governance and Audit	September 2021
Full Member Workshop / Training for District Councillors - to present the Code in advance of formal adoption – VIRTUAL	October 2021
Recommendation from the Governance and Audit Committee submitted to Full Council with the Code adopted by the District	November 2021
Communications to Parish and Town Councils	November 2021
Series of Workshops / Training to be held with Parish Councils to raise awareness and encourage adoption. These may be cluster events or attendance at individual Parishes Virtual arrangements will be used wherever possible	Jan – March 2022
All Parishes to have adopted the Code by their AGM in May 2022 and advised the DC accordingly	May 2022
Position Review	June 2022
Follow up work	June 2022 onwards

- 4.7 The Sub-Committee are asked to support the programme and time-line of associated work to be undertaken.



## **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/its 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 authority 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 the financial interest or wellbeing of 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. Otherwise you 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 relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

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 (referred to in paragraph 8 above) **affects** the 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. Otherwise you 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 an Other Registerable Interest or Non-Registerable 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]

### 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.
<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 have 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 Registrable Interests**

You must register as an Other Registrable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) 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)

of which you are a member or in a position of general control or management

## 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.***