

9 September 2022

Committee	Standards Committee
Date	Wednesday, 21 September 2022
Time of Meeting	2:00 pm
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE

To receive apologies for absence.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



	Item	Page(s)
4.	MINUTES To approve the Minutes of the meetings held on 26 November 2020, 4 May 2021 and 17 May 2022.	1 - 7
5.	GOVERNMENT RESPONSE TO THE COMMITTEE ON STANDARDS IN PUBLIC LIFE'S (CSPL) REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS To consider the Government response to the recommendations from the Committee on Standards in Public Life following its review of Local Government ethical standards.	8 - 23
6.	REVIEW OF CODE OF MEMBERS' CONDUCT / DRAFT GLOUCESTERSHIRE COUNCILS' CODE To consider the draft Code of Members' Conduct attached at Appendix 1 and approve a draft for consultation with all Councillors as set out in Paragraph 2.7 of the report.	24 - 44

DATE OF NEXT MEETING	
MONDAY, 13 MARCH 2023	
MEMBERSHIP OF COMMITTEE	
Tewkesbury Borough Council Members	Councillor C M Cody Councillor M Dean (Vice-Chair) Councillor C Mills Councillor J W Murphy Councillor C Reid Councillor P E Smith and Councillor P D Surman (Chair)
Non-Voting Independent Persons	Mr M Jauch and Mr P J Kimber
Non-Voting Parish Representative	Mr D J Horsfall

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chairman will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Standards Committee remotely on
Thursday, 26 November 2020 commencing at 2:00 pm**

Present:

Tewkesbury Borough Council Members:	Councillor C M Cody Councillor M Dean (Vice-Chair) Councillor J W Murphy Councillor C Reid Councillor P E Smith Councillor P D Surman (Chair)
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Non-Voting Independent Person(s):	M Jauch P J Kimber
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Non-Voting Parish Representative: D J Horsfall

ST.6 ANNOUNCEMENTS

6.1 The Chair advised that the meeting was being held under the emergency provisions of the Coronavirus Act 2020 and, specifically, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The meeting was being broadcast live via the internet, it was not being recorded by the Council but, under the usual transparency rules, it may be being recorded by others.

ST.7 APOLOGIES FOR ABSENCE

7.1 Apologies for absence had been received from Councillor L A Gerrard.

ST.8 DECLARATIONS OF INTEREST

8.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

8.2 There were no declarations of interest made on this occasion.

ST.9 MINUTES

9.1 The Minutes of the meeting held on 11 August 2020, copies of which had been circulated, were approved as a correct record.

ST.10 COMMITTEE ON STANDARDS IN PUBLIC LIFE - PROGRESS ON BEST PRACTICE RECOMMENDATIONS

- 10.1 The report of the Borough Solicitor, circulated at Pages No. 5-14, provided an update on the Council's progress in relation to the best practice recommendations of the Committee on Standards in Public Life in its report of 30 January 2019. Members were asked to consider the progress outlined and determine the response to be made to the Committee on Standards in Public Life.
- 10.2 The Monitoring Officer explained that the Committee on Standards in Public Life had undertaken a review of ethical standards in 2018 and the subsequent report had made a number of recommendations to the government for changes to legislation as well as asking the Local Government Association to produce a Model Code of Conduct. In addition, the report had identified 15 recommended areas of best practice which the Committee on Standards in Public Life considered did not require any changes to legislation and could be implemented voluntarily by local authorities. The Committee on Standards in Public Life had asked all local authorities to provide an update on their progress against the best practice recommendations by 30 November 2020 and had provided a format for how that should be done.
- 10.3 Using the template provided, the Monitoring Officer had set out the Council's progress in a draft response at Appendix 1 to the report which the Committee was asked to consider. The responses provided would be published on the Cabinet Office website and the Committee on Standards in Public Life website so it was considered that Members needed to approve the detail. The table set out within the report at Paragraph 2.2 included the commentary for the Council's position and Appendix 1 set out the specific response to be made to the Committee on Standards in Public Life.
- 10.4 Referring to the draft responses, the following comments were made:
- 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.* The Monitoring Officer explained that the Council's Code did have a prohibition on bullying but did not have a definition, the ACAS definition was the industry norm and was used when considering allegations. The Local Government Association's model Code was expected at the beginning of December and this would provide the opportunity to include a prohibition against harassment and a definition of bullying. The suggested response was agreed.
 - 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* – The Monitoring Officer advised that Councillors were required to comply with investigations. The fact that the Council would not consider trivial or malicious allegations was not included in the Code and she did not feel it was correct to include it as people making the complaint would not feel their issues were trivial or malicious – this was however considered by the Monitoring Officer and Independent Persons after the complaint was made. The suggested response was agreed.

- *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* – The Monitoring Officer advised that the Council's Code had not been formally reviewed since 2012; however, it was looked at every time a complaint was made so a review on an annual basis seemed unnecessary – when the Model Code was released it would consider a mechanism for review and that would be looked at for Tewkesbury Borough Council's Code. The Independent Person agreed with that view and felt an annual review made no sense when the Code was continually monitored anyway. The suggested response was agreed.
- *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 the Council premises* – it was confirmed this was already the case. The suggested response was agreed.
- *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* – The Monitoring Officer advised that the Council had a register but it was rare for Councillors to accept gifts so there was not much in it. It was made public on request and it was not in a CSV format but that could be looked at. The suggested response was agreed.
- *6 – Councils should publish a clear and straightforward public interest test against which allegations are filtered* – The Monitoring Officer confirmed that this was not currently published but a public interest assessment was carried out for all complaints in consultation with the Independent Persons; this could be published when the procedures were updated. The suggested response was agreed.
- *7 – Local authorities should have access to at least two Independent Persons* – The Council had two. The suggested response was agreed.
- *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* – The Monitoring Officer confirmed that it was quite rare for the Council to have to undertake a formal investigation but the Independent Persons were consulted on every complaint/investigation so Tewkesbury Borough Council already exceeded that standard. The suggested response was agreed.
- *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* – The Monitoring Officer confirmed that a decision notice was already produced for public inspection so could easily be published on the website; this would be reviewed as part of the new processes. The suggested response was agreed.

- *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* – The Monitoring Officer indicated that the Council did comply but did not provide an estimated timescale for investigation and outcomes formally within the procedure; complainants etc. were advised of the likely timescale at the beginning of the investigation process but this was an indication only, as the length of time depended on the number of people involved, interviews etc. The Monitoring Officer felt it did not make sense to constrain the investigation to a specific timescale but could include guidance on how complainants would be advised of the likely timescale. The suggested response was agreed.
- *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 as a whole, rather than the Clerk in all but exceptional circumstances* – This was an issue the Monitoring Officer was aware of and accepted it would generally be the correct way forward; however, it could have the unfortunate effect of meaning the Clerk could not make a complaint themselves and this may not be appropriate in all circumstances. The suggested response was agreed.
- *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* – The Council already complied with this in full. The suggested response was agreed.
- *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* - The Monitoring Officer did not undertake investigations herself; however, the Council's procedure did allow it to ask a Monitoring Officer from another authority for help should it be needed. The suggested response was agreed.
- *14 – Councils should report on separate bodies they have set up 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 Principles of openness, and publish their Board Agenda and Minutes and annual reports in an accessible place* – The rationale behind this was about conflicts of interest. The Council did include this information in its Annual Governance Statement but more work needed to be done on ensuring those bodies published the Council's report. The suggested response was agreed.
- *15 – Senior Officers should meet regularly with political group leaders or group whips to discuss standards issues* – The Monitoring Officer and Members had never felt it necessary to have regular meetings as a matter of course but they could be arranged should anyone so wish. A Member suggested that Group Leaders could be asked their view on the issue and the Monitoring Officer agreed this could be added to the comment.

10.5 Accordingly, it was

RESOLVED

That the suggested response, as set out at Appendix 1 to the report, be submitted to the Committee on Standards in Public Life as the Council's position regarding the implementation of best practice recommendations, subject to the Monitoring Officer confirming the position with Group Leaders regarding whether or not they wished to have regular meetings with senior Officers to discuss standards issues.

The meeting closed at 2:35 pm

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Standards Committee held at remotely on
Tuesday, 4 May 2021 commencing at 6:45 pm**

Present:

Tewkesbury Borough Council
Members:

Councillor C Cody
Councillor M Dean (Vice-Chair)
Councillor L A Gerrard
Councillor J W Murphy
Councillor C Reid
Councillor P E Smith
Councillor P D Surman (Chair)

ST.1 ELECTION OF CHAIR

1.1 The Mayor opened the meeting by seeking nominations for the Chairmanship of the Committee.

1.2 It was proposed and seconded that Councillor P D Surman be nominated as Chair of the Committee. Upon being put to the vote it was

RESOLVED That Councillor P D Surman be elected as Chair of the Standards Committee for the ensuing Municipal Year.

ST.2 APPOINTMENT OF VICE-CHAIR

2.1 Councillor P D Surman took the chair and invited nominations for Vice-Chair of the Committee.

2.2 It was proposed and seconded that Councillor M Dean be nominated as Vice-Chair of the Committee. Upon being put to the vote it was

RESOLVED That Councillor M Dean be appointed as Vice-Chair of the Standards Committee for the ensuing Municipal Year.

The meeting closed at 6:50 pm

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Standards Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 17 May 2022 commencing at 6:15 pm**

Present:

Tewkesbury Borough Council
Members:

Councillor C M Cody
Councillor C E Mills
Councillor J W Murphy
Councillor C Reid
Councillor P E Smith
Councillor P D Surman (Chair)

ST.1 ELECTION OF CHAIR

- 1.1 The Mayor opened the meeting by seeking nominations for the Chairmanship of the Committee.
- 1.2 It was proposed and seconded that Councillor P D Surman be nominated as Chair of the Committee. Upon being put to the vote it was

RESOLVED That Councillor P D Surman be elected as Chair of the Standards Committee for the ensuing Municipal Year.

ST.2 APPOINTMENT OF VICE-CHAIR

- 2.1 Councillor P D Surman took the chair and invited nominations for Vice-Chair of the Committee.
- 2.2 It was proposed and seconded that Councillor M Dean be nominated as Vice-Chair of the Committee. Upon being put to the vote it was

RESOLVED That Councillor M Dean be appointed as Vice-Chair of the Standards Committee for the ensuing Municipal Year.

The meeting closed at 6:30 pm

TEWKESBURY BOROUGH COUNCIL

Report to:	Standards Committee
Date of Meeting:	19 September 2022
Subject:	Government Response to The Committee on Standards in Public Life's (CSPL) review of Local Government Ethical Standards
Report of:	Corporate Director
Head of Service/Director:	Corporate Director
Lead Member:	Corporate Governance
Number of Appendices:	One

Executive Summary:

This report updates the Committee on the Government's response to recommendations made to it by the Committee on Standards in Public Life following its review in 2018/19 of Local Government ethical standards.

Recommendation:

The Committee is asked to note the Government response to the recommendations from the Committee on Standards in Public Life following its review of Local Government ethical standards.

1.0 INTRODUCTION

- 1.1** On the 16 September 2019 the Committee considered the report on the review into 'Local Government Ethical Standards' published by the Committee on Standards in Public Life (CSPL). The report contained 26 recommendations and 15 best practice suggestions.
- 1.2** The first recommendation invited the Local Government Association (LGA) to create a model Code of Conduct. That work has been undertaken by the LGA and the Committee participated fully in consultation on the model Code. (Report and decision of the Committee on the 11 August 2020). The LGA has produced a model Code and the recommendation that the Council reviews its Code is the subject of a separate report to this Committee.
- 1.3** The Committee considered the best practice recommendations at its meeting on the 26 November 2020.
- 1.4** Of the 26 recommendations referred to in 1.1 above, 22 were recommendations to the Government and this report informs the Committee of the Government's response.

2.0 GOVERNMENT RESPONSE TO RECOMMENDATIONS OF CSPL

2.1 On the 18 March 2022, the Government issued its response to the recommendations which can be found at <https://www.gov.uk/government/publications/local-government-ethical-standards-government-response-to-the-committee-on-standards-in-public-life-report/government-response-to-the-committee-on-standards-in-public-life-review-of-local-government-ethical-standards> and is attached at Appendix 1.

2.2 The government's response can be categorised into five headings as set out below:

1. Government to take action

Rec No:	Recommendation
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R2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.
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R22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.
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2. Further consideration/keeping under review

Rec No:	Recommendation
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R4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.
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R5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.
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R7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to the matter".
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R17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.
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R21	Section 28 (11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.
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3. Matter for local authority determination

Rec No:	Recommendation
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|-----|--|
| R6 | Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct. |
| R11 | Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed. |
| R15 | The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g., bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied. |
| R20 | Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code. |

4. Further engagement with sector needed

Rec No:	Recommendation
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|-----|---|
| R10 | A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding or a breach and that suspending the councillor would be a proportionate sanction. |
| R12 | Local authorities should be given the discretionary power to establish a decision making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions. |
| R13 | Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct. |
| R14 | The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, an appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority. |
| R16 | Local authorities should be given the power to suspend councillors, without allowances, for up to six months. |
| R23 | The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website. |
| R24 | Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998 |

5. Taking no action/rejects recommendation

Rec No:	Recommendation
R3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.
R8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.
R9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.
R18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

Background Papers: None.

Contact Officer: Corporate Director
Telephone: 01684 272011 email:sara.freckleton@teWKesbury.gov.uk

Appendices: 1 - Government response to recommendations of CSPL.



Department for Levelling Up,
Housing & Communities

Kemi Badenoch MP

*Minister of State for Equalities and Levelling Up
Communities*

**Department for Levelling up, Housing and
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Dear Lord Evans,

On behalf of the Government, I would like to thank the Committee on Standards in Public Life for its report and the recommendations arising from its review of Local Government Ethical Standards, and to all those who engaged with the Committee's work. Attached is the Government response to the Committee's individual recommendations that were directed at Government.

Vibrant local democracies flourish where the reputation of the local authority is held in high regard, where councillors' decision-making is transparent, valued and trusted by the communities they serve, and where people are willing and confident to put themselves forward as potential candidates. The standards and conduct framework within which local authorities operate must drive out corruption and promote commitment to the principles on standards in public life, and tolerance to the differing views of others. In responding to the review, the Government has taken into account the importance of protecting free speech and freedom of association within the law.

The Government is committed to working with local authorities and their representative organisations to ensure that local government is supported in reinforcing its reputation for ethical local standards.

The fact that this review had been conducted in such a collaborative way with the sector has been apparent from the outset and is borne out in the final report. I am keen that Government builds on the sector-wide enthusiasm for improvement.

The Government agrees with the Committee's conclusion that there have been benefits from local authorities being responsible for ethical standards, including the flexibility and

discretion to resolve standards issues informally. However, we also recognise the role of Government in ensuring that the system is robust.

The number of requests for legislation in the Committee's recommendations to strengthen the standards and conduct framework and its safeguards is considerable. As indicated in this response, the Government believes that some of these suggestions do not need a legislative response but can be more appropriately, effectively, and swiftly taken forward by local authorities as best practice. The Committee will recognise that the Government and Parliament has taken a different view on these matters when it legislated for the Localism Act 2011.

I thank the Committee for their work on the review and for their patience whilst Government carefully considered their recommendations, and I personally look forward to continuing to work with you as Government progresses the commitments made in this response with the sector.

Yours sincerely,

A handwritten signature in black ink that reads "Kemi Badenoch". The signature is written in a cursive, flowing style.

KEMI BADENOCH MP

**Minister of State for Equalities
and Levelling Up Communities**

Government response to the Committee on Standards in Public Life review of local government ethical standards

This Government response confines itself to the Committee's recommendations directed at Government, other than with regards to the first recommendation. The response to recommendations 10, 12, 13, 14 and 16 have been grouped together and therefore appear out of numerical order below.

Recommendation 1

The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.

The Localism Act 2011 states that relevant authorities must promote and maintain high standards of conduct by members and co-opted members. It requires these authorities to adopt a code of conduct for their councillors.¹ Authorities can determine the content of their own code of conduct. However, codes must conform to the seven 'Nolan' principles of standards in public life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. Relevant authorities for the purposes of these requirements include local authorities in England, namely county councils, district councils, London borough councils and parish and town councils.

It is for individual councils to set their own local code, in line with the Act. The Government has previously published a light-touch illustrative code of conduct.

The Local Government Association has worked with sector representative bodies to update its own suggested code of conduct, with the intention that this new suggested code could establish a consistent benchmark that local authorities can amend or add to as they see fit to reflect local circumstances and priorities. The Local Government Association published the updated code of conduct in January 2021. However, it remains a local decision on whether this model code is adopted.

Recommendation 2

The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.

¹ References to councillors in this document also should be deemed to include elected mayors.

This issue was brought up in the Committee's work on intimidation in public life, and the Government has already taken forward several steps in this regard. The Government is open and receptive to further steps to help prevent intimidation.

The Government agrees with the principle behind this recommendation – which safeguards elected representatives - and considers amending the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 would be an option to achieve it.

The Government will engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address.

Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest.

Recommendation 3

Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.

The Government's view is that it is for individual local authorities to consider if their code of conduct is adequate in addressing the issue of inappropriate use of social media.

As the Government outlined to Parliament in March 2021 on tackling intimidation in public life: 'It is important to distinguish between strongly felt political debate on the one hand, and unacceptable acts of abuse, intimidation and violence on the other. British democracy has always been robust and oppositional. Free speech within the law can sometimes involve the expression of political views that some may find offensive': a point that the Government has recognised in a Department for Education policy paper². But a line is crossed when disagreement mutates into intimidation, which refuses to tolerate other opinions and seeks to deprive others from exercising their free speech and freedom of association.'

It is important to recognise that there is a boundary between an elected representative's public life and their private or personal life. Automatically presuming (irrespective of the context and circumstances) that any comment is in an official capacity risks conflating the two.

² Higher education: free speech and academic freedom Feb 2021
<https://www.gov.uk/government/publications/higher-education-free-speech-and-academic-freedom>

Recommendation 4

Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.

The Government agrees that local authority elected representatives should act in good faith in the public interest and not seek to influence decisions for personal gain, for malicious intent or to further the interests of any business or any other organisations which they may be affiliated with.

The Local Government Association have updated their [own suggested code of conduct](#) to state that the code applies when “[a member’s] actions could give the impression to a reasonable member of the public with knowledge of all the facts that [they] are acting as a [member]”.

It is for individual local authorities to ensure that their codes of conducts are regularly updated, comprehensive and fit for purpose. Elected members receive the necessary training to make them aware of their personal responsibilities in upholding the code.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

Recommendation 5

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.

The electorate must have confidence that the decisions of their elected representatives are being made in the best interests of the community they have been elected to serve. Unpaid roles may need to be declared if it is relevant to council business, and councillors should recuse themselves if necessary if discussions relate to private bodies, they are involved in.

The Government is mindful that councillors have a right to a private life, and rights of freedom of association outside their role as a councillor. It is frequently the case that people in public life have a complex pattern of interests and play a variety of roles with different types of organisations, including community interest groups and charities.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

Recommendation 6

Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.

The Local Government Association's suggested code of conduct published in January 2021 includes a requirement for members to "register... any gift or hospitality with an estimated value of at least £50". However, it did not contain any requirements relating to the total value of gifts or hospitality received from the same source over a sustained period.

Local authorities have the autonomy to set gifts and hospitality requirements in their own codes of conduct. The Government accepts that there is merit in best practice guidance on the thresholds for gifts and hospitality and agrees that a register of gifts and hospitality should be publicly available.

Recommendation 7

Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to the matter".

Section 31 of the Localism Act 2011 requires that a councillor must not participate in a discussion or vote on a matter where they have a disclosable pecuniary interest in any matter to be considered at the meeting. Section 30(3) of the Localism Act 2011 further provides that any relevant pecuniary interests of a councillor's spouse or partner are considered as a disclosable pecuniary interest of the councillor.

The Committee's report reflects concerns that the disclosable pecuniary interest arrangements infringe on the privacy of a councillor's spouse or partner. Where there would be a potential conflict of interest, the principle of integrity requires that any such interests should nevertheless be declared and resolved.

The Government will keep this matter under review but has no immediate plans to repeal Section 31 of the Localism Act 2011.

Recommendation 8

The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.

The Government does not accept this recommendation as appropriate for legislation on the basis that it would be likely to be unworkable. The Government's view is that it would be more appropriately implemented as a best practice recommendation for local authorities.

In principle, it may be attractive to limit the terms Independent Persons serve to keep their role and contribution "fresh" and avoid them becoming too closely affiliated with the overriding organisational culture. However, discussions with Monitoring Officers indicate that in practice most local authorities would likely find servicing this rate of turnover unachievable. There is frequently a small pool of people capable and willing to undertake the role, who also fit the stringent specifications of being amongst the electorate, having no political affiliation, no current or previous association with the council, and no friends or family members associated with the council.

When local authorities have found effective Independent Persons who demonstrate the capability, judgement and integrity required for this quite demanding yet unpaid role, it is understandable that they may be reluctant to place limitations on the appointment.

Recommendation 9

The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.

The Government does not agree with this. The Local Government Transparency Code is a statutory requirement to publish information; it does not regulate the content of councils' minutes or decision notices.

The substantive policy suggestion has merit but will depend on circumstances. In cases where there is no case to answer from an unfounded complaint, it should not necessarily be a legal requirement to publish details of that unfounded complaint.

Recommendation 10

A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding or a breach and that suspending the councillor would be a proportionate sanction.

Recommendation 12

Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.

Recommendation 13

Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.

Recommendation 14

The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, an appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.

Recommendation 16

Local authorities should be given the power to suspend councillors, without allowances, for up to six months.

There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct, and this was a deliberate policy decision by the Coalition Government at the time of the Localism Act 2011 to differentiate from the previous, failed Standards Board regime. The Standards Board regime allowed politically motivated and vexatious complaints and had a chilling effect on free speech within local government. These proposals would effectively reinstate that flawed regime.

It would be undesirable to have a government quango to police the free speech of councillors; it would be equally undesirable to have a council body (appointed by councillors, and/or made up of councillors) sitting in judgment on the political comments of fellow councillors.

On the rare occasions where notable breaches of the code of conduct have occurred, local authorities are not without sanctions under the current regime. Councillors can be barred from Cabinet, Committees, or representative roles, and may be publicly criticised. If the elected member is a member of a political group, they would also expect to be subject to party discipline, including being removed from that group or their party. Political parties are unlikely to reselect councillors who have brought their group or party into disrepute. All councillors are ultimately held to account via the ballot box.

As part of the Government's response to the Committee's report on intimidation in public life, the Government recommended that every political party establish their own code of conduct for party members, including elected representatives.

The Government will engage with sector representative bodies of councillors and officers of all tiers of local government to seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour.

Recommendation 11

Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.

The Government agrees in principle.

Initial soundings with the sector indicate that some local authorities already provide legal indemnity for Independent Persons.

The Government endorses providing legal indemnity for Independent Person as local authority best practice but does not currently see the need to require this through secondary legislation.

Recommendation 15

The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g., bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.

The Government believes that this is better addressed through the sector adopting as best practice a regular pattern of annual reporting by Standard Committees of the cases and complaints handled and would encourage this as best practice by the sector.

The Government does not believe that there is a requirement to prescribe to local authorities the form and content of such Standard Committee annual reports.

Recommendation 17

The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.

The criminal law, overseen by the police and courts, provides for more appropriate and effective action against breaches of public order, for anti-social behaviour, and against harassment.

The occasion where councils would seek to bar councillors from council premises are thought to be extremely rare. We will consider this further.

Recommendation 18

The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

It is a criminal offence to fail to declare pecuniary interests, which acts as a strong deterrent against corruption.

The Government does not agree with this recommendation, but rather believes the criminal offence of a non-disclosure of pecuniary interest to be a necessary and proportionate safeguard and deterrent against corruption.

The high bar of police involvement has served to discourage politically motivated and unfounded complaints.

Recommendation 20

Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.

The Government does not agree that this is necessary and has no plans to repeal Section 27(3) of the Localism Act 2011.

The Government considers that the adoption of the principal authority's code or the new model code is a matter for local determination.

There are merits in achieving consistency within principal authority areas to eliminate potential confusion amongst constituents and elected members but there may be instances where a parish council may want to add to the code of their principal authority to reflect local circumstances.

Recommendation 21

Section 28 (11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.

The Government has no current plans to repeal Section 28 (11) of the Localism Act 2011 but will give this matter further consideration.

Recommendation 22

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.

The three statutory officers in local government are the Monitoring Officer, the Head of Paid Service (Chief Executive) and the Chief Finance Officer (often referred to as the Section 151 Officer).

Under the current disciplinary arrangements for statutory officers, any decision to dismiss a statutory officer must be taken by full council, following a hearing by a panel that must include at least two Independent Persons. The Committee consider that the disciplinary protections for statutory officers should be enhanced, by extending disciplinary protections to all disciplinary actions (such as suspension or formal warnings), not just dismissal.

The Government agrees in principle with this recommendation and recognises this will be pertinent to Monitoring Officers who may not necessarily be afforded the same seniority in the organisational hierarchy of a local authority as the two other statutory officers (Head of Paid Service and the Section 151 Officer), and who may be subject to personal pressures when conducting high profile breach of conduct investigations.

The Government will engage with sector representative bodies of all tiers of local government to seek views on amending the Local Authorities (Standing Orders) (England)(Amendment) Regulations to provide disciplinary protections for statutory officers.

Recommendation 23

The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.

The Government agrees with the principle that openness is essential.

Most local authorities already publish their whistleblowing policy, procedures and a named contact on their websites, and Government is recommending that this is adopted as a best practice recommendation.

The Government published the UK National Action Plan for Open Government 2021 – 2023 in January 2022. This includes a commitment on local transparency.³ The Department for Levelling Up Housing and Communities (DLUHC) will work with the local government community to develop a set of specific actions to advance transparency in the sector. DLUHC will support local government to solidify their transparency policies and processes and encourage proactive publication of open data across councils.

Recommendation 24

Councillors should be listed as ‘prescribed persons’ for the purposes of the Public Interest Disclosure Act 1998.

Prescribed persons are individuals or organisations that a worker may approach outside their workplace to report suspected or known wrongdoing and still be protected by the rights afforded to them under whistleblowing legislation. They are prescribed by an order made by the Secretary of State (for Business, Energy and Industrial Strategy) for this purpose. A complete list of prescribed persons is available here: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

Local councillors would not meet the criteria of being external to an individual’s workplace in relation to matters affecting the council and could therefore not be considered as a ‘prescribed person’ for the purposes of the Public Interest Disclosure Act 1998. Disclosures relating to local authorities can be made to the external auditor of the relevant authority, the Comptroller and Auditor General (National Audit Office), or a Member of Parliament.

However, the Government recognises that this may provide a further check and balance against council corruption or wrongdoing and is open to further representations on the matter on how local accountability can be strengthened in this regard.

³ <https://www.gov.uk/government/publications/uk-national-action-plan-for-open-government-2021-2023/uk-national-action-plan-for-open-government-2021-2023#local-transparency>

TEWKESBURY BOROUGH COUNCIL

Report to:	Standards Committee
Date of Meeting:	19 September 2022
Subject:	Review of Code of Members' Conduct / draft Gloucestershire Councils' Code
Report of:	Corporate Director
Head of Service/Director:	Corporate Director
Lead Member:	Lead Member for Corporate Governance
Number of Appendices:	One

Executive Summary:

This report sets out a proposal to review the Code of Members' Conduct and to introduce a common Code of Conduct for all Councils within Gloucestershire.

Recommendation:

The Committee is asked to consider the draft Code of Members' Conduct attached at Appendix 1 and approve a draft for consultation with all Councillors as set out in Paragraph 2.7 of this report.

1.0 INTRODUCTION

- 1.1** The Council's Code of Members' Conduct has been in place since 1 July 2012 when it was adopted in response to the Localism Act 2011 which made significant changes to the Councillor conduct regime. The national mandatory Code of Conduct, the Standards Board and sanctions to suspend or disqualify Councillors from Office were removed and Councils were given the freedom to adopt their own Codes of Members' Conduct.
- 1.2** During 2018/19 the Committee on Standards in Public Life (CSPL) undertook a review of Local Government ethical standards and the Standards Committee made a formal response to the consultation which took place in 2018. The review concluded by CSPL issuing a report, in January 2019, making a series of recommendations, some asking the Government to make changes to legislation and others which were 'best practice' recommendations which did not require changes in legislation and could be implemented by individual local authorities. The Standards Committee considered the CSPL recommendations at its meeting on 16 September 2019.

1.3 CSPL noted a wide disparity in the style and content of local Codes of Conduct and that within the same geographical area, different Codes of Conduct could be in place at County, District and Parish Council levels which caused confusion to the public and potentially to 'multi hatted' Councillors. CSPL recommended that the Local Government Association (LGA) develop a Model Code of Conduct that Councils could choose to adopt and/or adapt to suit their circumstances. The LGA accepted this recommendation and completed work on a Model Code of Conduct in December 2020, which has since been modified to correct a number of minor anomalies. The current version of the LGA Code is available on the LGA website at <https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>.

1.4 The experience of CSPL in the disparity of local Codes of Conduct referred to above is replicated within Gloucestershire with different Codes being in use in the County, District/ Borough and Town/ Parish Councils. The LGA Model Code does not differ significantly in content from the Code already in use at Tewkesbury Borough Council, although the style and language is different.

2.0 DEVELOPMENT OF A GLOUCESTERSHIRE CODE OF MEMBERS' CONDUCT

2.1 The Gloucestershire Local Authority Monitoring Officers have met to discuss the possibility of introducing a common Code of Conduct for use across all tiers of local government in Gloucestershire.

2.2 It is recognised that Councils' starting points are very different. Some have already adopted the LGA Model Code in its entirety, others consider their existing Code to be effective and felt in no rush to change it. However, the potential benefits of having a shared Code have created a strong case for convergence and alignment.

2.3 These potential benefits have been strengthened by the involvement of Gloucestershire Association of Parish and Town Councils (GAPTC) in the Monitoring Officer Group discussions. Whilst individual Parishes are under no obligation to adopt a common Gloucestershire Code, GAPTC is extremely supportive of them doing so, as it will enable them to provide better advice, support and training. As far as the Town and Parish Councils within Tewkesbury Borough are concerned, 39 of the 43 Town and Parish Councils have adopted the Code recommended to them in 2012 by the Standards Committee, which is based upon the Council's Code with suitable amendments to reflect the Town / Parish status.

2.4 The Gloucestershire Monitoring Officers have considered and discussed the form and content of the Code that they are prepared to recommend to their authorities. The work undertaken by the Monitoring Officers has now reached the point at which the draft Code of Members' Conduct, attached at Appendix 1, is being put forward to all seven Councils for consultation and consideration. While the content of the draft Code is fully consistent with that of the LGA Model Code, its style and layout is different.

2.5 There will, inevitably, be some minor differences between the Codes adopted by the seven Councils, including the following:

- The sections on executive decision making will not feature in the version of the Code which applies to those Councils who operate a Committee system of governance rather than executive arrangements.
- There may be some minor variations over such issues as the value over which gifts and hospitality must be declared.
- Not all of the clauses in the attached draft Code are relevant to Parish and Town Councils and therefore the version being produced by the Gloucestershire Monitoring Officers for use by those Councils will omit those matters.

Nevertheless, it is intended that in all other respects, the wording of the Codes of the seven Gloucestershire Principal Councils should be identical.

- 2.6** It is proposed that the draft Code of Conduct is used as the basis for each Council to consider whether it meets with their requirements recognising that the individual Council will determine how best to proceed. It is envisaged that the Monitoring Officers will meet to consider the outcome of the consideration by the seven Councils and whether any revisions to the attached draft should be recommended.
- 2.7** In the case of Tewkesbury Borough Council, it is suggested that the Committee approves the attached draft for the purposes of consultation with all Members and that any feedback received from that consultation, together with any received from other Councils, be referred back to the Standards Committee to enable it to make a recommendation to Council on revisions to its Code of Members' Conduct. It is suggested that Member consultation commence following the meeting, with a deadline for responses of 14 October 2022.

Background Papers: None

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Appendices: 1. Draft Code of Members' Conduct

Draft September 2022

[] Council

CODE OF MEMBERS' CONDUCT

**Adopted on [] taking effect on
[]**

Contents

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I. Introduction

1. This Code of Conduct (Code) is adopted pursuant to the Council's duty to promote and maintain high standards of conduct by Members of the Council.

Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.

II. Scope of the Code of Conduct

2. The Code applies to Members whenever acting in their official capacity as a Member of [name/or the] Council, including;
 - (a) when engaged in the business of [name/or the] Council including Ward business or representing the Council externally;
 - (b) when behaving so as to give a reasonable person the impression of acting as a representative of [name /or the] Council.

This Code of Conduct does not seek to regulate what Members do in their purely private and personal lives.

3. The obligations set out in this Code are in addition to those which apply to all Members by virtue of the procedural and other rules of the Council and any Protocols and Policies which may be adopted from time to time by the Council.
4. Failure to comply with the requirements within this Code of Conduct which relate to disclosable pecuniary interests and which are set out in sections V and VI and Appendix A is a criminal offence.¹

¹ Section 34 Localism Act 2011

III. General Principles of Members' Conduct

5. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Councillor, Members will be expected to observe the general principles of conduct set out below. These principles will be taken into consideration when any allegation is received of a breach of the provisions of the Code.

- *Selflessness*
- *Integrity*
- *Objectivity*
- *Accountability*
- *Openness*
- *Honesty*
- *Leadership*

IV. Rules of Conduct

6. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

7. Members shall observe the following rules:-

General Requirements

- (1) **Do** treat everyone with respect.
- (2) **Do not** bully any person.
- (3) **Do not** harass any person
- (3) **Do** promote equalities and **do not** discriminate unlawfully against any person.

- (4) **Do not** use your position improperly to confer on or secure for yourself or any other person, an advantage or disadvantage, or seek to improperly influence a decision about any matter from which you are excluded from participating or voting as a result of the requirements of Part VI of this Code.
- (5) **Do not** do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- (6) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless–
- (i) you have the consent of a person authorised to give it;
 - (ii) you are 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 –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Council.
- Before making any disclosure under (iv) above, the written advice of the Monitoring Officer must be sought and considered.
- (7) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- (8) **Do** promote and support high standards of conduct when serving in your public post by leadership and example.
- (9) **Do** not behave in a manner which brings your role or the Council into disrepute.
- (11) **Do not** use knowledge gained solely as a result of your role as a Member for the advancement of your own interests.

When using the resources of the Council, or authorising the use of those resources by others:

- (12) **Do** act in accordance with the Council's requirements including the requirements of the Council's ICT Policy.
- (13) **Do** ensure that such resources are not used for political purposes (including party political purposes) unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or to the office to which you have been elected or appointed.
- (14) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

When making decisions on behalf of, or as part of, the Council:

- (15) **Do** ensure that decisions are made on merit, particularly when making public appointments, awarding contracts, or recommending individuals for rewards or benefits.
- (16) **Do** have regard to advice provided to you by the Council's Officers, particularly that provided by the Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.
- (17) **Do** be as open as possible about your own decisions and actions and those of the Council and be prepared to give reasons for those decisions and actions.
- (18) **Do** ensure that you are accountable for your decisions and co-operate fully with whatever scrutiny is appropriate to your office.

V. Registration of Interests

- 8. Members shall observe the following rules when registering their interests.

- (1) **Do**, within 28 days of taking office as a Member (or Co-opted Member), notify the Monitoring Officer of any disclosable pecuniary interest as defined in Appendix A and any other registrable interest as defined in Appendix B.
- (2) **Do**, within 28 days of the date of a disclosure referred to in Paragraph 9(2) of this Code, notify the Monitoring Officer of the interest.
- (3) **Do** notify the Monitoring Officer of any new interest (disclosable pecuniary or other registrable interest) or change to any registered interest within 28 days of the date of that change.
- (4) **Do** approach the Monitoring Officer if you feel that your interest should be treated as sensitive because its disclosure could lead to you, or a person connected with you, being subject to violence or intimidation.

VI. Declaration of Interests and Restrictions on Participation

Members must observe the following rules:-

9. Disclosable Pecuniary Interests

Where a matter, in which you have an interest as specified in Appendix A (disclosable pecuniary interests), arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (1) **Do** disclose the interest to the meeting. If the Monitoring Officer considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.
- (2) **Do** ensure that, if your interest is not entered in the Council's Register, you disclose the interest to the meeting as required in 9(1) above and that you notify the Monitoring Officer of the interest within 28 days in accordance with Paragraph 8(3) of this Code.
- (3) **Do** withdraw from the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting unless a dispensation has been granted.
- (4) **Do not**, as a member of the Council's executive, exercise any executive functions in respect of any matter in which you have a disclosable pecuniary interest (Appendix A). You should notify the Monitoring Officer of the interest and take no steps or further steps in the matter.

10. Other Interests (Other Registrable Interests Appendix B and Non - registrable Interests)

Where a matter, in which

either you have an interest as specified in Appendix B (other registrable interests),

or where a decision on the matter might reasonably be regarded as affecting, to a greater extent than it would affect the majority of other Council taxpayers, ratepayers or inhabitants of the **Ward** affected by the decision, your well-being or financial position or the well-being or financial position of a member of your family, or any person with whom you have a close association, or who has a contractual relationship

(including employment) with yourself, member of your family or close associate,

arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (3) **Do** ensure that you disclose the interest to the meeting. If the Monitoring Officer considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.

- (4) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), if,
 - (a) it affects the financial position of an interest specified in Appendix B (other registrable interests)

 - (b) it affects your financial position or well-being or that of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associateor
 - (c) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in (a) and (b) aboveand a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.

The rules set out in Paragraph 10(4) above do not have the effect of precluding a Member from attending a meeting only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member must, after making their submission, withdraw immediately from the meeting.

- (5) **Do not**, as a member of the Council's executive, exercise any executive functions in respect of any matter in which you have an interest as described in 10(4) above. You should notify the Monitoring Officer of the interest and take no steps or further steps in the matter.

VII. Duties in respect of the Standards Committee

11. Members shall observe the following:-

- (1) **Do** undertake training on the Code of Conduct as required by the Council.
- (2) **Do** co-operate, at all stages, with any investigation into your conduct which may be carried out in accordance with the arrangements for the investigation and determination of complaints which have been put in place by the Council.
- (3) **Do not** seek to intimidate, or attempt to intimidate, any person who is, or is likely to be, a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a Member has failed to comply with his or her Authority's Code of Conduct.

- (4) **Do** comply with any sanction imposed on you following a finding that you have failed to comply with the Code of Conduct.

VIII. Dispensations

12. Where a Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code, the Member may apply to the Monitoring Officer for a dispensation.
13. 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 a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an other registrable interest (Appendix B) or non-registrable interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code.

IX. Gifts and Hospitality

14. When offered gifts or hospitality in your capacity as a Member of the Council, the following rules must be observed.
 - (1) **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 to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
 - (2) **Do** register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt. (Appendix B).

- (3) **Do** register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

IX. Definitions

The following are definitions which apply for the purposes of this Code of Conduct.

1. Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.
2. "Close associate" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage ("close association" shall be construed accordingly).
3. Harassment is conduct, on at least two occasions, that causes alarm or distress or puts people in fear of violence
4. "Meeting" is a meeting of the Council, or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Council.
5. "Member" is an elected Member or a Co-opted Member of the Authority.
"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.
6. "Member of your family" means:

- Partner (spouse/civil partner/someone you live with as if a spouse or civil partner);
 - A parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner; or the partners of any of these persons;
 - A brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece; or the partners of any of these persons.
7. "Monitoring Officer" is the Monitoring Officer to [name or / the] Council.
 8. "Pending notification" is an interest which has been notified to the Monitoring Officer but which has not been entered in the Council's Register in consequence of that notification.
 9. Respect means politeness and courtesy in behaviour, speech, and in the written word.
 10. "Standards Committee" is the Standards Committee of [name or / the] Council.
 11. "The Act" is the Localism Act 2011.
 12. "The Council" is [name or / the].
 13. 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
 14. "Well-being" means general sense of contentment and quality of life.
 15. Excepted functions are functions of the Council in respect of

- (i) housing, where the Member is a tenant of the Council provided that those functions do not relate particularly to the Member's tenancy or lease;
- (ii) an allowance, payment or indemnity given to Members;
- (iii) any ceremonial honour given to Members; and
- (iv) setting Council tax or a precept under the Local Government Finance Act 1992.

Disclosable Pecuniary Interests

The interests set out below are “Disclosable Pecuniary Interests” in accordance with the Localism Act 2011 and Members must notify the Monitoring Officer in accordance with Paragraphs 8(1)-(3) of this Code of Conduct of any interest which is an interest of **the Member (M) or of any of the following**:

- the Member’s spouse or civil partner;
- a person with whom the Member is living as husband and wife; or
- a person with whom the Member is living as if they were civil partners;

and the Member is aware that that other person has the interest.

Subject	Disclosable Pecuniary Interest
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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (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 relevant authority.

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 M's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where – (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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.

- (a) "the Act" means the Localism Act 2011;
- (b) "body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- (c) "director" includes a member of the committee of management of an industrial and provident society;
- (d) "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 to receive income;
- (e) "M" means a member of a relevant authority;
- (f) "member" includes a co-opted member;
- (g) "relevant authority" means the authority of which M is a member;

- (h) "relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
- (i) "relevant person" means M or any other person referred to in section 30(3)(b) of the Act;
- (j) "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(b) and other securities of any description, other than money deposited with a building society.

Other Registrable Interests

The interests set out below are “other registrable interests” which must be notified to the Monitoring Officer in accordance with Paragraphs 8(1), 8(2) and 8(4) of this Code of Conduct.

A Member must notify the Monitoring Officer of any interest held by **the Member** in any of the categories set out below:-

Subject	Other Interest
Management or Control	Any body of which the Member is in a position of general control or management (including where you have been appointed or nominated by the Council.)
Public/Charitable and Other External Bodies	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.
Employer	Any person or body who employs, or has appointed, the Member.
Gifts and Hospitality	The name of any person, organisation, company or other body from whom the Member has received, by virtue of his Office, gifts or hospitality worth an estimated value of £50 or more.