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Legal and Democratic Services



STANDARDS COMMITTEE

Tuesday 22 February 2022 at 7.30 pm

Place: Council Chamber, Epsom Town Hall

Link for public online access to this meeting:

<https://attendee.gotowebinar.com/register/8154310705110133261>

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Telephone (listen-only): 020 3713 5022, Telephone Access code: 830-045-445

The members listed below are summoned to attend the Standards Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Liz Frost (Chairman)
Councillor Alex Coley (Vice-Chair)
Councillor Kate Chinn
Councillor Hannah Dalton
Councillor Christine Howells

Councillor Previn Jagutpal
Councillor Graham Jones
Councillor Eber Kington
Councillor David Reeve

Yours sincerely

Chief Executive

For further information, please contact Democratic Services, democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live on the internet

This meeting will be open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Questions from the Public

Questions from the public are not permitted at meetings of the Standards Committee. [Part 4 of the Council's Constitution](#) sets out which Committees are able to receive public questions, and the procedure for doing so.

AGENDA

1. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

2. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 8)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 16 June 2021 (attached) and to authorise the Chairman to sign them.

3. REVIEW OF CODE OF CONDUCT COMPLAINTS (Pages 9 - 28)

To provide an update on complaints made under the Code of Conduct for Members from 1/1/2021 to 30/11/2021 and the steps taken to promote and maintain high standards of conduct by Members.

4. COMMITTEE WORK PLAN 2021 - 2022 (Pages 29 - 40)

This report presents the Committee with the updated work plan for 2021-2022.

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Minutes of the Meeting of the STANDARDS COMMITTEE held on 16 June 2021

PRESENT -

Councillor Liz Frost (Chairman); Councillor Alex Coley (Vice-Chair); Councillors Kate Chinn (Connected remotely therefore was permitted to join in for the discussion but not permitted to vote on any Item), Hannah Dalton, Robert Foote, Christine Howells, Previn Jagutpal, Eber Kington and David Reeve

Officers present: Amardip Healy (Chief Legal Officer) and Tim Richardson (Committee Administrator)

1 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to Items of business to be discussed at the meeting.

2 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting of the Standards Committee held on 18 January were agreed as a true record and signed by the Chair.

3 CONSTITUTION UPDATE: PLANNING CODE OF PRACTICE

The Committee received a report detailing the updated draft Planning Code of Practice.

The Committee received a verbal introduction from the Chief Legal Officer.

The following matters were raised by the Committee:

- a) **3.6 Membership of Lobby Groups:** Following a question from a Member, the Officer confirmed that the 'struck-through' sentence in section 3.6 will be removed before the circulation of the updated draft Code.
- b) **6.6 Site visits:** Members noted the wording of the section of the report regarding site visits, and spoke about whether this may be made clearer. The Officer confirmed that they would delete paragraph 6.6 in its entirety, and add in a new paragraph providing more clarity that if a site visit has been arranged and a particular Member did not attend, that Member may not propose to defer the Application solely because they wanted to view the site.

- c) **8.4 Ward Members:** Following a question from a Member, the Officer agreed to amend paragraph 8.4 to make it clear those Ward Members who are required to attend and address a Committee Meeting. .

Following consideration, it was resolved that the Committee:

- (1) **Considered the amended draft Planning Code of Practice;**
- (2) **Approved the circulation of the amended draft Planning Code of Practice with regard to the changes suggested in this Committee to all Members of Council for comment;**
- (3) **Agreed to delegate to the Chief Legal Officer following consultation with the Committee's Chair and Vice Chair the approval of any necessary changes to the draft Planning Code of Practice following Member comments;**
- (4) **Agreed to recommend to Council the adoption of the approved Planning Code of Practice;**
- (5) **Agreed to note that the draft Planning Code of Practice may be bought back to Standards Committee before its recommendation to Council.**

4 COMMITTEE WORK PLAN 2021-2022

The Committee received a report requesting that it agree a Committee Work Plan for the Municipal Year 2021-2022.

The Committee received a verbal introduction from the Chief Legal Officer.

The following matters were raised by the Committee:

- a) **Single Member allocation of Committee seats:** Members raised concerns over the inability of the Council to allocate a committee seat to an ungrouped Member. It was noted that at the review of the Constitution it would be possible to include changes which would allow an ungrouped Member to be allocated a seat.
- b) **Committee start time:** Following the change from virtual meetings to hybrid, Members noted the start time of Committee reverting back to 19:30 hours.

Following consideration, it was resolved unanimously that the Committee:

- (1) **Considered and approved a Committee Work Plan for 2021-2022.**

The meeting began at 7.30 pm and ended at 8.24 pm

COUNCILLOR LIZ FROST (CHAIRMAN)

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REVIEW OF CODE OF CONDUCT COMPLAINTS

Head of Service:	Olwen Brown, Monitoring Officer
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1: LGA Model Councillor Code of Conduct

Summary

To provide an update on complaints made under the Code of Conduct for Members from 1/1/2021 to 1/01/2022 and the steps taken to promote and maintain high standards of conduct by Members.

Recommendations:

The Committee is asked to:

- (1) Note there have been no complaints between 1 January 2021 to the 1 January 2022;
- (2) Note there was one self-referral under the Code of Conduct between 1 January 2021 and 1 January 2022; which did not lead to an investigation.
- (3) Consider the actions to be taken to promote and maintain high standards of conduct by Members and ensure complaints are managed properly.

1 Reason for Recommendation

- 1.1 To assist and advise the Council in meeting its duty to promote and maintain high standards of conduct by its Members.

2 Background

- 2.1 Annual reporting of member complaints is a standing item on the Committee's agenda. This is the first report since reporting was introduced as a standing item. It covers a 12-month reporting cycle; as the committee meeting which would have been held in December 2021 was cancelled. The next report (December 2022) will be brought as part of an annual cycle.
- 2.2 The Code of Conduct for Members was approved by Standards Committee and then Council in April 2019. It has been invoked for several complaints since its introduction and is generally felt to work well.
- 2.3 The Code together with the complaints process and the arrangements for dealing with complaints; is contained within one document set out in the Constitution; as it was felt that this helps complainants and members understand from the start what the process will be when a complaint is made. Equally, the time limits for acknowledging receipt of a complaint (10 working days) and deciding whether to investigate the complaint (15 working days) are thought to work well.
- 2.4 There have been no complaints made under the Code about member conduct between 1 January 2021 and 31 January 2022.
- 2.5 There was one self-referral complaint during this time made by members. Following consideration by the then Monitoring Officer it was decided that the referral did not merit any further action.

Learning Lessons

- 2.6 Although there were no new complaints during the relevant period, the Council has relied on its *Managing unreasonable customer behaviour* policy in respect of a repeat complaint about a closed matter.
- 2.7 Complaints must be managed in way that is fair to both the complainant and members. Identifying a genuine cause for complaint that requires further investigation is integral. This is working well. The reason it works well is that relevant officers are experienced in local government and familiar with conduct requirements of elected members. The necessary involvement of the Independent Person if a complaint is made is also helpful.
- 2.8 By contrast, it has proved sometimes difficult to control unreasonable and vexatious complaints. i.e., to manage a complainant after a complaint is closed. Plainly it is important to have in place safeguards to protect members from unreasonable conduct which includes protecting members from complainants who harass them by repeating requests to investigate false complaints or matters that are not about a member's conduct.

Other

- 2.9 Under the Local Government Acts of 2000 and 1972 new members are required to sign a declaration of acceptance. There is no further legal requirement to undertake an induction/training at that time, although the provision of training on a range of relevant subjects is generally felt to be extremely important and valuable.
- 2.10 Members receive training on the Code as part of member development, and for new members it is important at an early stage that they are made aware of the standards of conduct and what is expected of them. Equally, it can be useful to remind existing members of these matters. Training on this does not stand alone and so will be reviewed by officers as part of the Member Development Programme.
- 2.11 Although the existing Code is felt to be working well, the LGA has developed a Model Councillor Code of Conduct (2020), providing a template for councils to adopt. This has been adopted by a number of Councils, sometimes with local amendments. This is included at Appendix 1. The LGA have also produced [guidance on complaints handling](#).
- 2.12 The Model Councillor Code of Conduct and guidance on complaints handling are included for information purposes only at this stage, but it is anticipated that at a future meeting the Committee will be asked to consider whether to recommend the adoption of this Model Code, with or without amendments, and with consideration of the necessary accompanying complaint processes and arrangements to Council.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

3.1.1 None for the purposes of this report.

3.2 Crime & Disorder

3.2.1 None for the purposes of this report.

3.3 Safeguarding

3.3.1 None for the purposes of this report.

3.4 Dependencies

3.4.1 None for the purposes of this report.

3.5 Other

3.5.1 None.

4 Financial Implications

- 4.1 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

- 5.1 These have been incorporated within the body of the report.
- 5.2 **Monitoring Officer's comments:** These have been incorporated within the body of the report.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged: Effective Council.
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None
- 6.4 **Sustainability Policy & Community Safety Implications:** None
- 6.5 **Partnerships:** None

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Previous Review of Code of Conduct Complaints 18 January 2021

Other papers:

- [LGA Guidance on Member Model Code of Conduct Complaints Handling](#)
- Managing unreasonable customer behaviour, July 2019
https://www.epsom-ewell.gov.uk/sites/default/files/documents/council/Unacceptable%20Customer%20Behaviour%20Policy%20-%20July%202019_1.pdf



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

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.

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

Agenda Item 3 Appendix 1

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

Agenda Item 3
Appendix 1

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.

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 Registrable 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](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the 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.
Contracts	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 unincorporated body of which such person is a partner 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>
Land and Property	<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>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<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>
Securities	<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

Agenda Item 3
Appendix 1

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.

COMMITTEE WORK PLAN 2021 - 2022

Head of Service:	Gillian McTaggart, Head of Corporate Assurance
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 Work Plan 2021-2022 Appendix 2 New Terms of Reference Appendix 3 Tracker on progress of work plan

Summary

This report presents the Committee with the updated work plan for 2021-2022

Recommendation (s)

The Committee is asked to:

- (1) Note and agree the ongoing work plan for 2021- 2022 as outlined in Appendix 1

1 Reason for Recommendation

- 1.1 The annual work plan will help to provide the necessary priorities for the 2021- 2022 municipal year.

2 Background

- 2.1 A report was brought to this Committee on 16 June 2021 outlining the work plan for the Committee. This report provides an update on the programme of work.
- 2.2 The Council has engaged the LGA to support on going work in respect of reviewing and updating the Constitution which will be reported to full Council in May 2022. We will also be receiving support from the Centre for Governance and Scrutiny (CfGS) in considering governance issues.
- 2.3 A review of the LGA new code of Conduct for Members will be brought to this Committee in June.

- 2.4 The Committee should note that since previously reported there are several changes to the work plan as shown in Appendix 1 .A review of the terms of reference for each committee has been undertaken and reported to the Strategy & Resources Committee on 27 January 2022 and full Council on 15 February 2022 . As part of this work it has been agreed that a cross-party working group be established to take forward the next phases of the Constitution review work . This will include but not limited to the number of members on committees, sub committees, the Constitution, Standing Orders and remaining terms of reference
- 2.5 Within the new terms of refence the new committee, as outlined in it new terms of reference as shown Appendix 2 will be renamed the Standards and Constitution Committee and will be responsible for making recommendations regarding
 - 2.5.1 significant revisions to the Constitution (subject to other policy committees being able to make recommendations direct to Council about proposed changes to their terms of reference)
 - 2.5.2 the adoption and revision of the Members Code of Conduct
 - 2.5.3 Changes to the Committee's Term of Reference
 - 2.5.4 other matters under the Committees jurisdiction which, by virtue of statutory provision, must be determined by full Council
- 2.6 It is intended that the work of the Members Working Group will be reported to full Council in May . This will include the following items from the original work programme reported on
 - 2.6.1 Officer Code of Practice
 - 2.6.2 Consideration of Non Committee Members speaking rights at Committee
 - 2.6.3 Protocol on use of call in procedure
 - 2.6.4 Public Participation Standing Orders
 - 2.6.5 Review of Appointment to Outside Bodies
 - 2.6.6 Officer Scheme of delegation
 - 2.6.7 Officer & Members Indemnities
- 2.7 A tracker of the original work plan as shown in Appendix 3 , outlines progress and any changes to where items for consideration will be reported Following on from the work of the Working Group a new work plan will be developed for this committee for 2022-23

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

3.1.1 none

3.2 Crime & Disorder

3.2.1 None

3.3 Safeguarding

3.3.1 None

3.4 Dependencies

3.4.1 Work scheduled with the LGA

3.5 Other

3.5.1 None

4 Financial Implications

4.1 Both the work of the LGA and the Centre for Public Scrutiny is provided at no cost to the Council

4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

5.1 The updated Constitution will clearly explain how the Council conducts its business, how decisions are made . and the procedures to be followed.

5.2 **Legal Officer's comments:** None arising from this report.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged: Effective Council

6.2 **Service Plans:** The matter is included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** none arising from the content of this report

6.4 **Sustainability Policy & Community Safety Implications:** none arising from the content of this report

6.5 **Partnerships:** none arising from the content of this report

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Standards Committee 16 June 2021 - Committee Work Plan 2021-22

Other papers:

- None

**Standards Committee
Work Programme 2021/22**

MEETING	ITEMS FOR CONSIDERATION BY FULL COMMITTEE
<i>16 Dec 2021</i>	<ul style="list-style-type: none"> <i>Cancelled</i>
<i>22 Feb 2022</i>	<ul style="list-style-type: none"> <i>Annual Report on Members Complaints 2021- 2022</i> <i>Work Plan for 2021 - 2022</i>
<i>7 June 2022</i>	<ul style="list-style-type: none"> <i>Review of LGA New Code of Conduct for Members</i> <i>Work Plan for 2022 - 2023</i>
<i>1 Nov 2022 tbc</i>	<ul style="list-style-type: none"> <i>Tbc</i>
<i>6 June 2023 tbc</i>	<ul style="list-style-type: none"> <i>Tbc</i>

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STANDARDS AND CONSTITUTION

(9 Members)

1. TERMS OF REFERENCE

1. Promoting and maintaining high standards of conduct by Councillors in accordance with the duty contained in Section 27 of the Localism act 2011.
2. Assisting Councillors to observe the Members' Code of Conduct.
3. Advising the Council on the adoption or revision of the Members' Code of Conduct.
4. Granting dispensations under Section 33 of the Localism act 2011 to Councillors from the requirements relating to interests set out in the Members' Code of Conduct.
5. Making arrangements for investigating and determining complaints regarding alleged breaches of the Members' Code of Conduct.
6. Discharging, through a Hearings Panel, decisions made following consideration of reports by an Investigating Officer in connection with 5) above.
7. Receiving requests for, and/or proposing, review of the Constitution or parts thereof as necessary.

2. TO MAKE RECOMMENDATIONS REGARDING:

1. Significant revisions to the Constitution (subject to other Policy Committees being able to make recommendations direct to Council about proposed changes to their Terms of Reference).
2. The adoption and revision of the Members' Code of Conduct.
3. Changes to the Committee's Terms of Reference.
4. Other matters under the Committee's jurisdiction which, by virtue of statutory provision, must be determined by full Council.

3. TO RESOLVE:

The granting of dispensations in the following circumstances (under Section 33 of the Localism act 2011) to Councillors from the requirements relating to interests set out in the Members' Code of Conduct:

- a. that without the dispensation, the representation of Political Groups transacting the business would be so upset as to alter the outcome of any vote on the matter;
- b. that dispensation is in the interests of persons living in the authority's area;
- c. it is otherwise considered appropriate to grant a dispensation.

4. DELEGATION TO HEARINGS PANELS

1. Determination of complaints referred by an Investigating Officer regarding alleged breaches of the Members' Code of Conduct.
2. Such Panels shall comprise three Borough Councillors serving on the Standards and Constitution Committee.

5. DELEGATION TO OFFICERS

1. To the Monitoring Officer, in consultation with the Chair of the Standards and Constitution committee, to grant dispensations in situations where so many Members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would otherwise impede the transaction of the business.
2. To the Monitoring Officer and/or Deputy Monitoring Officer respectively the power to determine matters in respect of the Code of Conduct and arrangements for dealing with allegations of breach (following consultation with the Independent Person where required) except for those which are identified above as reserved for determination by the Council, Committees or Hearings Panel.

Standards and Constitution - Hearing Sub Committee

Determination of complaints referred by the Monitoring Officer and Investigating Officer regarding alleged breaches of the Members' Code of Conduct. Such Panels shall comprise three Borough Councillors serving on the Standards and Constitution Committee.

Standards Committee Work Plan 2021-2022

Provisional Meeting date	Reports	Commentary	Progress Tracker
June 2021	Annual Work Plan	To set the Committee's Work Plan for the year ahead.	Agreed
June 2021	Planning Code of Practice	Review of Draft Planning Code of Practice. Part 5, Section 8	Reported to Standards June 2021
2.11.2021	Review of LGA New Code of Conduct for Members	Standards Committee to be asked if they wish to adopt the new LGA code, stay with current one, or make some additions to pick up anything from the LGA Code.	To be reported to Standards 19 April 2022
2.11.2021	Officer Scheme of Delegation & Exercise of Delegated Authority	Key decisions to be defined and publication process published.	To be reviewed and reported in May 2022
2.11.2021	Consideration of Non Committee Member speaking rights at Committees	Standing Orders Part 3	To be reviewed and reported in May 2022
2.11.2021	Officers Code of Conduct	Review. Part 5 Section 2	To be reviewed and reported in May 2022
2.11.2021	Committee Report Feedback	Review reports in line with public participation work program.	tbc
2.11.2021	Review Committee Terms of Reference	Review of committee terms of reference - Part 3	Approved full Council 15 th Feb

2022 (before the end of the Municipal Year 2021-2022)			
Extra Meeting	Officer and Member Indemnities	Review. Part 3	To be reviewed and reported in May 2022
Extra Meeting	Code of Conduct and Practice in Licensing Procedures and Hearings	To be updated. Part 5 Section 6	To be updated and reported to LPPC-date to be confirmed
Extra Meeting	Protocol on Use of Call in Procedure	To be updated. Part 5 Section 5	To be reviewed and reported in May 2022
Extra Meeting	Public Participation Standing Orders	Standards Working Group	To be reviewed and reported in May 2022
Extra Meeting	Member Induction & Training Program	To agree a Member Induction and Training programme for term of office.	Part of Service Delivery Plan 22-23 for Corporate Assurance
Extra Meeting	Reporting on Ombudsman decisions	Good practice review	To be reported to ACD&S
Extra Meeting	Review of Code of Code Complaints	Annual review	To be reported to ACD&S Sept/ Nov 2022
Extra Meeting	Review of Appointment to Outside Bodies	Good practice review	To be reported to ACD&S 7 April 2022
Extra Meeting	Review of Work Plan	Review of current Work Plan tracker and work for next Municipal year	Each meeting and will be updated for 22-23

Extra Meeting	Publication of Gifts and Hospitality Registers	Good Practice Review	To be reported to ACD&S 7 April 2022
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