



Additional / To Follow Agenda Items

This is a supplement to the original agenda and includes reports that are additional to the original agenda or which were marked 'to follow'.

Nottingham City Council Standards Committee

Date: Monday, 27 July 2020

Time: 2.00 pm

Place: Remote - To be held remotely via Zoom -
<https://www.youtube.com/user/NottCityCouncil>

Governance Officer: Nancy Barnard **Direct Dial:** 0115 8764312

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Standards Committee – 27 July 2020

Title of paper:	Local Government Association Model Member Code of Conduct	
Director(s)/ Corporate Director(s):	Malcolm Townroe, Director of Legal and Governance	Wards affected: All
Report author(s) and contact details:	Beth Brown, Head of Legal and Governance beth.brown@nottinghamcity.gov.uk 0115 876 2196	
Other colleagues who have provided input:	Nancy Barnard, Governance and Electoral Services Manager	
Date of consultation with Portfolio Holder(s) (if relevant)	N/A	
Relevant Council Plan Key Theme:		
Nottingham People		<input type="checkbox"/>
Living in Nottingham		<input type="checkbox"/>
Growing Nottingham		<input type="checkbox"/>
Respect for Nottingham		<input type="checkbox"/>
Serving Nottingham Better		<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users): The Local Government Association (LGA) is consulting on the Model Member Code of Conduct as part of its work on supporting the sector to aspire to high standards of leadership and performance. Many of the changes are borne out of the recommendations made by the Committee on Standards in Public Life. The LGA is seeking the views of local authorities on the Model Code of Conduct as the bodies responsible for maintaining codes of conduct for their councillors and responding to complaints of a breach. This report invites the Committee to consider submitting a response to the consultation. A draft response is attached for comment.		
Recommendation(s):		
1	The Committee is asked to comment on the attached draft response to the review, and delegate authority to the Chair to sign off the final version before submission.	

1 Reasons for Recommendations

- 1.1 To provide the Committee with an opportunity to respond to the consultation.

2 Background (Including Outcomes of Consultation)

- 2.1 In 2018 the Committee on Standards in Public Life announced a review of ethical standards in local government. The Committee considered, amongst other matters, arrangements for codes of conduct, declarations of interest, and the sanctions that can be taken in the event the code is found to have been breached. Members responded to this consultation in May 2018, the proposed response having been agreed by the Standards Committee.
- 2.2 The report into Local Government Ethical Standards was published on 19 January 2019.

- 2.3 The first recommendation of the report into Local Government Ethical Standards was that 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.
- 2.4 The LGA committed to reviewing the current model member code of conduct, in line with the recommendation.
- 2.5 At the end of 2019 the LGA held an event on Civility in Public Life with a range of stakeholders and held three consultation workshops at the beginning of this year. They have also examined examples of good practice, both in local government and other professions. The LGA consultation draft model member code of conduct is the result of this initial work.
- 2.6 The LGA intends to create additional guidance, working examples and explanatory text.
- 2.7 Members are invited to respond to the consultation draft. The LGA are particularly interested to understand whether it stands up to the new ways of working that have been introduced as a result of the Covid19 pandemic and gives enough of a steer on social media and online activity.
- 2.8 The Model Code is attached. The main changes are summarised below;
- a. The application of the code applies a presumption that members are acting in their capacity as a member and are expected to uphold and show leadership at all times.
 - b. The application of the code is explicitly extended to cover all forms of member communication and interaction, including social media.
 - c. The term 'civility' replaces 'respect' in obligations 1 and 2.
 - d. The definition of 'bullying and harassment' is set out in the accompanying guidance to obligation 3.
 - e. The requirement to disclose interests as set out at obligation 10 and in the appendices is extended to include the financial interest or well-being of a friend relative or close associate
 - f. The requirement to register other interests is extended as set out in table 2 of appendix B.
 - g. Sanctions have been extended to include bars on chairing advisory committees and special committees or attending committees for up to two months.
- 2.8 The deadline for consultation responses is 17 August 2020.

3 Other Options Considered In Making Recommendations

- 3.1 The Committee could choose not to submit a response to the consultation but this would deny the Council an opportunity to contribute to the review.

4 Finance Colleague Comments (Including Implications And Value For Money/Vat)

- 4.1 This report has no financial implications.

5 Legal And Procurement Colleague Comments (Including Risk Management Issues, And Legal, Crime And Disorder Act And Procurement Implications)

5.1 This report has no legal or procurement implications.

6 Equality Impact Assessment

6.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because the report is proposing any change to Council policy.

7 List Of Background Papers Other Than Published Works Or Those Disclosing Confidential Or Exempt Information

7.1 None

8 Published Documents Referred To In Compiling This Report

8.1 Committee on Standards in Public Life – Consultation on Ethical Standards in Local Government (<https://www.gov.uk/government/consultations/local-government-ethical-standards-stakeholder-consultation>)

The Local Government Ethical Standards Report

(<https://www.gov.uk/government/publications/local-government-ethical-standards-report>)

Local Government Association Model Member Code of Conduct Consultation

(<https://www.local.gov.uk/local-government-association-model-member-code-conduct-consultation>)

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LGA – Consultation on Model Code of Conduct

Draft response of the Standards Committee

Q1. To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?

- ☐ **To a great extent**
- ☐ To a moderate extent
- ☐ To a small extent
- ☐ Not at all
- ☐ Don't know/prefer not to say

Q1a. If you would like to elaborate on your answer please do so here:

More clarity is required as to when the code applies. As drafted there is no distinction between a councillor's private and public life. More specific guidance and examples would be helpful for members of the public and elected members. Clarification is required on the phrase "at all times". If there is a presumption that councillors are acting in this capacity, this is presumably a rebuttable presumption that would place the onus on the councillor to prove that they were not acting in that capacity? Further clarification is required around the meaning of "or if there are potential implications for the council's reputation". Is this the same as bringing the Council into disrepute? It is welcomed that the application of the code refers to the use of social media but more specific guidance is required on this point (see below). Under 'specific obligations of general conduct' the wording in relation to capacity is slightly different to that under 'application of the code' which is confusing, a common approach is needed.

Q2. Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?

- ☐ Yes
- ☐ **No**
- ☐ Don't know

Q3. Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?

- ☐ Personal tense ("I will")

o Passive tense (“Councillors should”)

o **No preference**

Specific obligations The Code lists 12 specific obligations – these set out a minimum standard councillors are asked to adhere to. Each obligation or group of obligations is put into a wider context to explain why that particular obligation is important.

Q4. To what extent to you support the 12 specific obligations?

- a. Treating other councillors and members of the public with civility.
 - **To a great extent**
 - To a moderate extent
 - To a small extent
 - Not at all
 - Don't know/prefer not to say
- b. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.
 - **To a great extent**
 - To a moderate extent
 - To a small extent
 - Not at all
 - Don't know/prefer not to say
- c. Not bullying or harassing any person.
 - **To a great extent**
 - To a moderate extent
 - To a small extent
 - Not at all
 - Don't know/prefer not to say
- d. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.
 - **To a great extent**
 - To a moderate extent
 - To a small extent
 - Not at all
 - Don't know/prefer not to say

e. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.

- **To a great extent**
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

f. Not preventing anyone getting information that they are entitled to by law.

- **To a great extent**
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

g. Not bringing my role or council into disrepute.

- **To a great extent**
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

h. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.

- **To a great extent**
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q6. Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?

- o As a list
- o **Each specific obligation followed by its relevant guidance**
- o No preference

Q7. To what extent to you think the concept of 'acting with civility' is sufficiently clear?

- ☐ To a great extent
- ☐ To a moderate extent
- ☒ **To a small extent**
- ☐ Not at all
- ☐ Don't know/prefer not to say

Q7a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:

The use of the word 'respect' is more appropriate than the word civility. The term 'respect' is more widely understood than the term 'civility'. Expecting councillors to treat each other, citizens, groups, organisations and officers with respect is an appropriate bar and exceeds the requirement for civility. It is possible to express and hold differing views respectfully. It is possible to be disrespectful in a civil manner. Civility is a concept that is difficult to quantify or measure and is more open to interpretation. It is suggested that it would be appropriate for there to be scope for the Monitoring Officer to apply a public interest test when investigating allegations.

Q8. To what extent do you think the concept of 'bringing the council into disrepute' is sufficiently clear?

- ☒ **To a great extent**
- ☐ To a moderate extent
- ☐ To a small extent
- ☐ Not at all
- ☐ Don't know/prefer not to say

Q8a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:

This is a well-established concept and does not need amending.

Q9. To what extent do you support the definition of bullying and harassment used in the code in a local government context?

- ☒ **To a great extent**
- ☐ To a moderate extent
- ☐ To a small extent
- ☐ Not at all
- ☐ Don't know/prefer not to say

Q9a. If there are other definitions you would like to recommend, please provide them here.

No further comments.

Q10. Is there sufficient reference to the use of social media?

- ☐ Yes
- ☒ **No**
- ☐ Don't know/prefer not to say

Q10a. Should social media be covered in a separate code or integrated into the overall code of conduct?

- ☐ Separate code
- ☒ **Integrated into the code**
- ☐ Don't know/prefer not to say

Q10b. If you would like to make any comments or suggestions in relation to how the use of social media is covered in the code please do so here:

The code needs to be strengthened and extended in relation to social media. Social media is an inherent, pervasive and important part of modern life. It is used to communicate quickly with large numbers of people and has a significant impact on citizens and communities. There should be an explicit requirement for communication and conduct on social media to meet the same standards as communication in other arenas/forums.

Registration and declarations of interests The law at present requires, as a minimum, registration and declaration of 'Disclosable Pecuniary Interests' - that is matters which directly relate to the councillor and their partner if applicable. The LGA is proposing that all councillors are required to declare interests where matters also relate to or affect other family members or associates. The LGA has broadened the requirement to declare interests beyond this current statutory minimum in line with a recommendation from the Committee on Standards in Public Life. These specific provisions are set out in Appendix B of the Code.

Q11. To what extent to you support the code going beyond the current requirement to declare interests of the councillor and their partner?

- ☒ **To a great extent**
- ☐ To a moderate extent
- ☐ To a small extent
- ☐ Not at all
- ☐ Don't know/prefer not to say

Q11a. If you would like to elaborate on your answer please do so here:

The extension of the requirement to go beyond the current requirement is supported in the interests of transparency. This section needs expanding and should be part of the main body of the code. Clarification is required as to which interests the extension relates to and the definitions of 'relative' and 'close associate' and 'financial and interest and well-being' need to be clarified to remove ambiguity.

Q12. Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code currently references it?

o In the main body of the code

- o In the appendix
- o Other (please specify below)
- o Don't know/prefer not to say

Q12a. If you would like to make any comments or suggestions in relation to how the requirement to declare interests is covered in the code please do so here:

The definition of 'financial and interest and well-being' needs clarifying. The definition of 'relative or close associate' and the interaction between that relationship and the requirement to declare interests that are not Disclosable Pecuniary Interests needs defining and expanding so it is clear for members of the public and for councillors.

It is also suggested that more outside interests should be registered than is the current statutory minimum. These are set out in Table 2 of the Appendix and are designed to demonstrate to the community transparency about other bodies with which the councillor is engaged.

Q13. To what extent do you support the inclusion of these additional categories for registration?

- a. Any organisation, association, society or party of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council

o To a great extent

- o To a moderate extent
- o To a small extent
- o Not at all
- o Don't know/prefer not to say

- b. Any organisation, association, society or party that exercises functions of a public nature of which you are a member or in a position of general control or management

o To a great extent

- ☐ To a moderate extent
- ☐ To a small extent
- ☐ Not at all
- ☐ Don't know/prefer not to say

- c. Any organisation, association, society or party directed to charitable purposes

o To a great extent

- ☐ To a moderate extent
- ☐ To a small extent
- ☐ Not at all
- ☐ Don't know/prefer not to say

- d. Any organisation, association, society or party of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

o To a great extent

- ☐ To a moderate extent
- ☐ To a small extent
- ☐ Not at all
- ☐ Don't know/prefer not to say

Q13a. If you would like to propose additional or alternative **categories** for registration, please provide them here:

Further clarity around declarations of interest for council owned companies would be welcomed.

Q14. To what extent to you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?

o To a great extent

- ☐ To a moderate extent
- ☐ To a small extent
- ☐ Not at all
- ☐ Don't know/prefer not to say

Q14a. If you would like to elaborate on your answer please do so here:

This maintains public trust and increases transparency.

Q15. The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?

o Yes

o Yes, but the amount should be reviewed annually with the code's review

o No, it should be lower (please specify amount) _____

o No, it should be higher (please specify amount) _____

o Don't know/prefer not to say

Q16. The LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? Please rank 1-5, with 1 being the most useful.

3 Regularly updated examples of case law

1 Explanatory guidance on the code

4 Case studies and examples of good practice

2 Supplementary guidance that focuses on specific areas, e.g., social media

5 Improvement support materials, such as training and e-learning packages

Q16a. If you would like to suggest any other accompanying guidance please do so here:

Additional guidance around council owned companies.

Q17. If you would like to make any further comments about the code please so here:

The new model code is broadly welcomed, however, it does not go far enough in relation to sanctions. The sanctions that can be imposed are minimal in nature and whilst they are appropriate for the most part, they are insufficient for more serious breaches that have the effect of damaging public confidence. The bar on chairing advisory or special committees for up to two months is the only addition and does not assist councils who do not have advisory or special committees. There should be a requirement that councillors are required to cooperate with any standards investigation and comply with any sanction imposed. Given the nature of the sanctions that can be imposed it is proportionate that the Monitoring Officer retains the right to make the final decision. It is unclear what is meant by 'to appeal allegations and decisions and allow for an escalating scale of intervention'.

Local Government Association Model Member Code of Conduct

Introduction

The Local Government Association (LGA) is providing this Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.

The role of councillor in all tiers of local government is a vital part of our country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to and want to participate with. We want to continue to attract individuals from a range of backgrounds and circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities.

All councils are required to have a local Member Code of Conduct. This Model Member Code of Conduct has been developed in consultation with the sector and is offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code, whilst the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

As a councillor we all represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent everyone (in our ward/town/parish), taking decisions fairly, openly, transparently and with civility. Councillors should also be treated with civility by members of the public, other councillors and council employees. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations. This Code, therefore, has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.



Councillor Izzi Seccombe OBE
Leader, LGA Conservative Group



Councillor Nick Forbes CBE
Leader, LGA Labour Group



Councillor Howard Sykes MBE
Leader, LGA Liberal Democrats Group



Councillor Marianne Overton MBE
Leader, LGA independent Group

Purpose

The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow councillors, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

Application of the Code

The Code of Conduct applies to you when you are acting [or claiming or giving the impression that you are acting]¹ in [public or in]² your capacity as a member or representative of your council, although you are expected to uphold high standards of conduct and show leadership at all times. The Code applies to all forms of member communication and interaction, including written, verbal, non-verbal, electronic and via social media, [including where you could be deemed to be representing your council or if there are potential implications for the council's reputation.] Model conduct and expectations is for guidance only, whereas the specific obligations set out instances where action will be taken.

The seven principles of public life

Everyone in public office at all levels – ministers, civil servants, members, council officers – all who serve the public or deliver public services should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

Model member conduct

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

- act with integrity and honesty
- act lawfully
- treat all persons with civility; and
- lead by example and act in a way that secures public confidence in the office of councillor

In undertaking my role, I will:

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

Specific obligations of general conduct

This section sets out the minimum requirements of member conduct. Guidance is included to help explain the reasons for the obligations and how they should be followed. These obligations must be observed in all situations where you act [or claim or give the impression that you are acting] as a councillor [or in public], including representing your council on official business and when using social media.

Civility

- 1. Treating other councillors and members of the public with civility.**
- 2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.**

Civility 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 civil manner. You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

In return you have a right to expect courtesy from the public. If members of the public are being abusive, threatening or intimidatory you are entitled to close down any conversation in person or online, refer them to the council, any social media provider or if necessary, the police. This also applies to members, where action could then be taken under the Member Code of Conduct.

Bullying and harassment

- 3. Not bullying or harassing any person.**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The 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 not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Impartiality of officers of the council

- 4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.**

Officers work for the council 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. Although 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, 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.

Confidentiality and access to information

- 5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.**
- 6. Not preventing anyone 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 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 council are treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Disrepute

7. Not bringing my role or council into disrepute.

Behaviour that is considered dishonest and/or deceitful can bring your council into disrepute. As a member you have been entrusted 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 other councillors and/or your council.

Your position

8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the council provides you with certain opportunities, responsibilities and privileges. However, you should not take advantage of these opportunities to further private interests.

Use of council resources and facilities

9. Not misusing council resources.

You may be provided with resources and facilities by the council to assist you in carrying out your duties as a councillor. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given

to you to help you carry out your role as a councillor more effectively and not to benefit you personally.

Interests

10. Registering and declaring my interests.

You need to register your interests so that the public, council employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest. The register also protects you. You are responsible for deciding whether or not you should declare 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 declared by you or other members, 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. Discuss the registering and declaration of interests with your Monitoring Officer/Town or Parish Clerk and more detail is set out in appendix B.

Gifts and hospitality

11. Not accepting significant gifts or hospitality 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.

12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

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 member. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you may wish to notify your monitoring officer of any significant gifts you are offered but refuse which you think may have been offered to influence you.

Note – items in square brackets [x] refer to recommendations made by the Committee on Standards in Public Life and may be part of a future Government consultation. This includes possible future sanctions and appeals processes.

Breaches of the Code of Conduct

Most councillors conduct themselves appropriately and in accordance with these standards. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an 'independent person', and sanctions to be imposed on any councillors who breach the Code.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

Failure to comply with the requirements to register or declare disclosable pecuniary interests is a criminal offence. Taking part in a meeting or voting, when prevented from doing so by a conflict caused by disclosable pecuniary interests, is also a criminal offence.

Political parties may have its own internal standards and resolution procedures in addition to the Member Code of Conduct that members should be aware of.

Example

LGA guidance and recommendations

Internal resolution procedure

Councils must have in place an internal resolution procedure to address conduct that is in breach of the Member Code of Conduct. The internal resolution process should make it clear how allegations of breaches of the Code of Conduct are to be handled, including the role of an Independent Person, the appeals process and can also include a local standards committee. The internal resolution procedure should be proportionate, allow for members to appeal allegations and decisions, and allow for an escalating scale of intervention. The procedure should be voted on by the council as a whole.

In the case of a non-criminal breach of the Code, the following escalating approach can be undertaken.

If the breach is confirmed and of a serious nature, action can be automatically escalated.

1. an informal discussion with the monitoring officer or appropriate senior officer
2. an informal opportunity to speak with the affected party/ies
3. a written apology
4. mediation
5. peer support
6. requirement to attend relevant training
7. where of a serious nature, a bar on chairing advisory or special committees for up to two months
8. where of a serious nature, a bar on attending committees for up to two months.

Where serious misconduct affects an employee, a member may be barred from contact with that individual; or if it relates to a specific responsibility of the council, barred from participating in decisions or information relating to that responsibility.

Endnotes

1. CSPL recommend that “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”.
2. CSPL recommend that “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.”
3. Subject to footnotes 1 and 2 above
4. See CSPL website for further details www.gov.uk/government/news/the-principles-of-public-life-25-years
5. ACAS’s definition of bullying

Appendices

Code Appendix A

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 declare 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.

Code Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table 1 or 2, or of any change to a registered interest, notify the Monitoring Officer.

Declaring interests

3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare 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 declare the nature of the interest.

5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare 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 declare the nature of the interest.
6. Where a matter arises at a meeting which affects –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body covered by table 1 below

you must disclose the interest.

7. Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must declare 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 declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
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 councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (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 and Property	Any beneficial interest in land which is within the area of the council. ‘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.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor’s knowledge)— (a) the landlord is the council; and (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.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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

Table 2: Other Registerable Interests

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;	
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 you are a member or in a position of general control or management.	



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We consider requests on an individual basis.

Standards Committee – 27 July 2020

Title of paper:	Councillor Complaints – Update	
Director(s)/ Corporate Director(s):	Malcolm Townroe, Director of Legal and Governance and Monitoring Officer	Wards affected: All
Report author(s) and contact details:	Nancy Barnard, Governance and Electoral Services Manager Nancy.barnard@nottinghamcity.gov.uk	
Other colleagues who have provided input:		
Date of consultation with Portfolio Holder(s) (if relevant)	N/A	
Relevant Council Plan Key Theme:		
Nottingham People		<input type="checkbox"/>
Living in Nottingham		<input type="checkbox"/>
Growing Nottingham		<input type="checkbox"/>
Respect for Nottingham		<input type="checkbox"/>
Serving Nottingham Better		<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
The Committee has a role in monitoring complaints that Councillors or Co-opted Members have breached the Code of Conduct. This report provides a summary of complaints made about Councillors and resolved informally since the last update for information.		
Recommendation:		
1	That the Committee considers and notes the monitoring information.	

1 Reasons for recommendations

The terms of reference of the Standards Committee require the Monitoring Officer to submit a report on the above matters to inform any work the Committee might carry out in relation to Councillor Standards and the Code of Conduct.

2 Background (including outcomes of consultation)

2.1 Appendix A to this report summarises the nature and outcome of complaints made against councillors since the last update. None of the complaints reached the formal stage of consideration and were resolved informally. All complainants are offered the opportunity to escalate the complaint if they are not satisfied with the outcome. No complaints have been escalated since the last update.

2.2 The Committee is asked to note the information contained in the appendix.

3 Other options considered in making recommendations

- 3.1 The Committee's terms of reference place a responsibility on the Committee to consider a Monitoring Officer report on Councillor Complaints. Therefore no other options were considered.

4 Finance colleague comments (including implications and value for money/VAT)

- 4.1 There are no financial implications to this report.

5 Legal and Procurement colleague comments (including risk management issues, and legal, Crime and Disorder Act and procurement implications)

- 5.1 There are no legal or procurement implications to this report.

6 Equality Impact Assessment (EIA)

- 6.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because:

An EIA is not required because the report does not propose a change to council policy or service.

7 List of background papers other than published works or those disclosing confidential or exempt information

- 7.1 None

8 Published documents referred to in compiling this report

- 8.1 None

Date complaint received	Summary of Allegations	Action Taken	Outcome of Complaint
08/10/19	Councillor did not respond to numerous phonecalls and voicemails.	Investigated – Councillor had been experiencing a fault with her Council mobile phone. Councillor apologised to citizen and the fault was fixed enabling her to receive calls and voicemails. Complaint closed.	No further action
18/11/19	Councillor failed to respond appropriately to a complaint.	Investigated – Councillor acknowledged they had not responded and apologised. Apology and response to original complaint sent to Constituent. Complaint closed.	No further action
04/10/19	Two Councillors failed to respond appropriately to a complaint.	Investigated – evidence of appropriate response from the councillors to the complainant. Complaint closed.	No further action
21/11/19	Councillor did not respond to correspondence.	Investigated – oversight acknowledged and a response and apology sent to the complainant. Whip discussed case with the Councillor concerned. Complaint closed.	No further action
26/11/19	Councillor failed to respond appropriately to a complaint.	Investigated – oversight acknowledged and Councillor met with complainant. Complainant raised further issues, awaiting information from complainant (last contacted 09/07).	Ongoing

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