

Standards committee

Date: Tuesday, 05 July 2022

Time: 10:00

Venue: Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

Committee members:

Councillors:

Davis
Driver
Grahame
Huntley
Lubbock
Thomas (Va)
Young

Co-opted members:

Mr P Franzen
Vacancy

Independent person (ex officio)

For further information please contact:

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Agenda

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1 Appointment of chair

To elect the chair for standards committee for the ensuing civic year.

2 Appointment of vice-chair

To elect a vice-chair for the standards committee for the ensuing civic year.

3 Apologies

To receive apologies for absence.

4 Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting).

5 Minutes

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To agree the accuracy of the minutes of the meetings held on 17 November 2020 and 6 July 2021.

6 Standards Committee Update Report, including Code of Conduct and Committee for Standards in Public Life response

13 - 46

Purpose: The purpose of this report is to provide an update to the Standards Committee with regards to complaints submitted during the year and to seek the views of the Standards Committee on potential modifications to the Code of Conduct and complaints in light of the Government's

response to the Committee for Standards in Public Life
report on Local Government Standards.

Date of publication: **Monday, 27 June 2022**



MINUTES

STANDARDS COMMITTEE

14:00 – 15:05

17 November 2020

Present: Councillors Driver (chair) and Grahame, Mr P Franzen (co-opted member) and Linda Barber (independent person), Rachel Crosbie, monitoring officer.

Apologies: Councillors Fulton-McAlister (M), Sands (M) and Oliver.

2. Declaration of interests

There were no declarations of interest.

3. Minutes silence

The committee joined the chair in observing one minutes silence to mark the passing of Mr Colin Thrower, a former co-opted member of this committee and city council colleague.

4. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 10 October 2020 and defer consideration of the minutes of the meeting held on 4 February 2020¹ to the next meeting.

5. To introduce a written procedure for standards committee hearings

The monitoring officer introduced her report by saying that during her time in post there has not been any matters which have resulted in a full standards board hearing, however it is best practise that the procedures for such hearings are up to date. The monitoring officer said that the procedure proposed would (subject to agreement by the constitution working party and full council) wholly replace Appendix 13c of the council's constitution.

¹ The minutes of the meeting held on 4 February 2020 were not produced due to the implications of the pandemic.

The monitoring officer proposed a deletion of point 14, 'The committee will usually move to another room to consider the representations and evidence in private', which the committee agreed. In response to a question from the chair, the monitoring officer confirmed that there is no change proposed to the role of independent persons on the committee and in the event of a full standards board hearing the chair of the committee would chair the hearing.

The co-opted member expressed concern that the way point 9 was written suggests that an investigator may not necessarily be present at a hearing. In response the monitoring officer said that any hearing date would be set taking into account the investigators availability however keeping this point in would allow the hearing to go ahead if for any reason the investigator couldn't attend, though this would be unusual.

The independent person commented that point 31 under power to regulate own proceedings gives 'the *chair* of a hearings sub-committee the right to depart from these arrangements where they consider it expedient to do so ...' makes an anomaly of the procedure. In response the monitoring officer explained that a challenge to a small point of order would not invalidate the whole meeting. At the suggestion of the chair it was agreed to amend point 31 from *chair* to the *monitoring officer*.

A member raised point 4, suggesting that someone at committee should have whoever they would like to accompany them without having to ask the committee. It was agreed to delete the wording ... 'or with the permission of the committee' from point 4. The member then discussed the list of possible sanctions in point 27. The monitoring officer explained these sanctions were taken from the constitution. The maximum period a member can be suspended for is six months. After this period the councillor would cease to be a councillor and a by-election would be triggered. The co-opted member questioned if members pay would be suspended in the event of that councillor being subjected to the most serious sanction, f, 'withdrawal of facilities or services from the member including access to council premises and or/IT facilities'. The monitoring officer agreed to check this point and if members pay was frozen make this explicit in the wording of the sanction. The monitoring officer said that any relevant case law would be considered at the time when a standards board was called.

RESOLVED to ask the monitoring officer to:

- (1) delete point 14
- (2) amend point 31 from 'chair' to the 'monitoring officer'
- (3) delete the wording ... 'or with the permission of the committee' from point 4
- (4) check if members pay is suspended if that member was subject to the most severe sanction, and if so make this explicit in the wording of the sanction.

6. Local Government Association (LGA) draft code of member conduct

The monitoring officer was responsible for submitting the view of Norwich City Council to the LGA on their draft code of member conduct. To do this the monitoring officer consulted with the corporate leadership team, members and group leaders during summer 2020 and this report outlines the findings of this exercise. In total the LGA have received around 1,600 responses to the consultation which culminated on

22 October 2020 when a revised code was put forward for the LGA forum to consider. A final code will be submitted to the LGA Board for approval and analysis of the findings will be published from the consultations. A member put forward the idea that civility and respect are missing from the report. The monitoring officer said that this theme is included in the LGA draft, including definitions of both terms. It was agreed to note the report.

RESOLVED to note the report of the monitoring officer.

7. Policy on social media

A member asked for clarity that this policy was for members only, which the monitoring officer confirmed. The monitoring officer introduced the report by saying this is an area that she is increasingly contacted about. The use of two separate social media accounts for each platform such as twitter, facebook, instagram etc was discussed – one for personal/family and one for political/council use. The policy should be explicit enough to be used to determine action the any future complaints. The co-opted member said that a clear set of guidelines is important, especially with an election coming up. A member said that two separate social media accounts were fundamental in order to distinguish to the public if a member is speaking as an individual or as a councillor and suggested the policy should be brief and concise to aid understanding. The monitoring officer asked members if the policy should go so far as to cover pre-determination, safeguarding etc.

The independent person said that it is very difficult for members of the public to understand that there may be a personal view and a councillor view that could be different coming from the same person, and that is where complaints arise.

A member said that if a member of the public sees your comments they should always be compatible with the council's position, and any personal messages should be sent as a private direct message, not shared on social media.

The committee agreed that a social media policy was needed. The committee then asked the monitoring officer to draw up the policy, aiming to be concise and bring back to the next meeting of standards committee with a view to the report then being taken to constitution working party and onto full council. It was the view of the committee that this policy should be in place before the next election. The democratic services and elections manager advised the committee that the pre-election period begins on 29 March 2021.

The independent member spoke about an example of a social media account whereby a councillor had a social media account under an assumed identity and was making inflammatory posts. To avoid this in the future she suggested the council's policy should state that accounts should be to a named person. A member said that this should be covered by the councillor code of conduct and it is really important to be sure who is posting so inflammatory or such information does not gain traction and is believed. A member said that accountability for what you say is important and the policy should reference this. The monitoring officer reminded councillors that they were also entitled to a private life and views too and it is where the line is drawn that is important. There was discussion about prefacing each comment with a disclaimer.

In response to a question from the monitoring officer the chair agreed that councillors would benefit from social media training across all social media platforms. A member said that the training should focus on how councillors can apply the policy/guidance to their own social media accounts – not training in how to use the platforms themselves. The democratic services and elections manager advised the meeting that training that covers publicity and use of social media is held before to the pre-election period and encouraged the committee to encourage other members to sign up.

The independent member referenced the learning hub which the county council use to deliver training in a cost effective way, the monitoring officer agreed to explore this and also to consult the director of communications and culture on how to shape the guidance.

RESOLVED to ask the monitoring officer to present a social media policy to the next meeting of the standards committee.

8. Monitoring officer update

The monitoring officer said that five complaints have been received since the last meeting of standards committee. All complaints are taken by the monitoring officer to the independent person for a second opinion. One complaint related to posting on social media following a council meeting, this was resolved by the post being removed at the monitoring officer's request and no further action was then taken. Two complaints were received about the same councillor regarding potentially anonymous Facebook posts – the person who was complaining didn't take the complaint any further or respond to prompts from the monitoring officer and the matter was dropped. A further complaint was about a member, wearing council ID, swearing at a member of the public. As there were no witnesses or evidence this complaint has been dropped as it was not considered to be in the public interest to follow up. Complaints were received from members of the public and members of the council about a comment made in a council meeting. The councillor was spoken to at the time but has since decided to leave the council so the matter has not been pursued any further. In terms of complaints the monitoring officer said she has found it difficult to get a timely response from members and suggested a timescale for response to the monitoring officer could be included in the policy.

The monitoring officer said that she is taking steps to fill the vacant position for an additional co-opted member to the standards committee.

RESOLVED to:

- (1) note the update from the monitoring officer.
- (2) to include a timescale for member responses to monitoring officer requests around complaints.

CHAIR



STANDARDS COMMITTEE

10:00 – 10:35

6 July 2021

Present: Councillors Driver, Grahame, Sands (M), Sands (S), Thomas (Va), and Kat Hulatt, monitoring officer.

Apologies: Mr P Franzen (co-opted member)

1 Appointment of chair

RESOLVED to appoint Councillor Driver as chair for the ensuing civic year.

2. Appointment of vice-chair

RESOLVED to appoint Councillor Sands (M) as vice-chair for the ensuing civic year.

3. Members code of conduct and complaints procedure July 2021 update

The monitoring officer presented the report and referred, in particular, to the 16 best practice recommendations on ethical standards set out in the appendix. She also explained the various options available to the committee in light of the recommendations of the Committee for Standards in Public Life.

In response to members' questions, the monitoring officer said that the government had not updated the statutory sanctions available to impose on any member who refused to appear before the committee as a result of a standards complaint and outlined the procedure which would apply in dealing with individual complaints.

The monitoring officer said that the process would commence for recruiting to the vacancy for a co-opted member.

RESOLVED to

- (a) await the outcome of the Government's consideration of the CSPL recommendations

- (b) In the meantime, incorporate the changes into the council's existing Code of Conduct and invite community organisations, neighbouring authorities and other interested parties, individuals and stakeholders for comments on both the Council's existing code of conduct and the LGA's Model Councillor Code of Conduct, with a further report being presented to the next meeting of the committee

4. Training

The Chair commented that it had been some time since members received training on standards issues.

RESOLVED to ask the monitoring officer to prepare a further training session for members of the committee.

5. Monitoring officer update

The monitoring officer reported that there had been no complaints received in the previous 9 months.

RESOLVED to note the monitoring officer's report

CHAIR



Committee Name: Standards

Committee Date: 05/07/2022

Report Title: Standards Committee Update Report, including Code of Conduct and Committee for Standards in Public Life response

Portfolio: Councillor Kendrick, cabinet member for resources

Report from: Head of legal and procurement

Wards: All Wards

OPEN PUBLIC ITEM

Purpose

The purpose of this report is to provide an update to the Standards Committee with regards to complaints submitted during the year and to seek the views of the Standards Committee on potential modifications to the Code of Conduct and complaints procedures in light of the Government's response to the Committee for Standards in Public Life report on Local Government Standards

Recommendation:

It is recommended that the Standards Committee:

- Determines whether to propose to Council a revised Code of Conduct, in accordance with the options outlined at paragraph 11 below;
- Advises the Monitoring Officer with their thoughts on the matters raised in respect of paragraph 17 below

Policy Framework

The Council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report meets the corporate priority to ensure Norwich City Council is in good shape to serve the city.

Standards matters over the past year

1. It is good practice that at least annually, the Standards Committee receives an update on standards complaints raised over the past year.
2. During the year, the Monitoring Officer has received one formal complaint. This related to concern that a Councillor may not have shown respect towards a community group. This was successfully resolved through informal resolution with no further action required.
3. The volume at complaints in Norwich has tended to be lower historically than other Councils for two key reasons:
 - a. In district-tier Councils, the district council is responsible for responding to complaints in relation to parish councils, which can account for a high volume of complaints. Norwich does not have parish councils and therefore does not consider these complaints
 - b. The Council's political groups are very effective at working with Councillors to encourage high standards of conduct, and taking early resolution to resolve emerging concerns before they escalate

Councillor Code of Conduct

4. At its meeting in June 2021, the Standards Committee reviewed the Council's Code of Conduct and complaints handling procedures. As was explained at the time, the LGA had published a model code of conduct that could be adopted by the Council; however, caution needed to be taken that if the government proposed changes to the legislation relating to local government standards, a further substantial revision may be required.
5. As a result, the Committee recommended some minor changes to the Code of Conduct to bring it in line with best practice as identified by the Committee for Standards in Public Life. The revised Code was adopted by Council in July 2021.
6. At the time, the Committee indicated:
 - a. That it would revisit the procedures for handling standards complaints following publication of the Government's response to the Committee for Standards in Public Life
 - b. That feedback should be sought from a range of stakeholders on the Code of Conduct and the LGA's model code of conduct and presented to the next meeting for consideration.
7. In March 2022, the government published its response to the Committee for Standards in Public Life report. This will be further explored below, but in essence the government confirmed that it does not intend to make any substantial changes to the law and practice relating to local government standards. As a result, it is not anticipated substantial change will be made to the LGA model code of conduct.

8. In terms of other authorities, there has been a mixed reaction to the LGA's model code of conduct. Some authorities have elected to retain their current codes of conduct, others have retained the substance of their codes but made some modifications, and others have adopted the LGA model code in full.
9. It may be helpful to note that Norfolk County Council has decided to adopt the LGA model Code of Conduct. It can be helpful for residents if councils in multi-tier areas adopt the same code, as they can expect the same standards from Councillors regardless of the Council they represent.
10. In May and June, approx. 150 community organisations and representatives on the Council's contact list were approached to assess whether they had any views on the Code of Conduct. The information provided included a link to the LGA's model code of conduct as well as the Council's own code. One representation was received, highlighting that in principle it is a shame such Codes of Conduct were required. However, such codes are a statutory requirement on local authorities.
11. As a result, the Standards Committee is now being requested to consider:
 - a. Whether it wishes to retain the current Norwich City Council Code of Conduct
 - b. Whether it wishes to make modification to the current Norwich City Council Code of Conduct
 - c. Whether it wishes to adopt the LGA Model Code of Conduct
12. The current Code of Conduct is attached at Appendix A, and the LGA Model Code at Appendix B to this report.
13. To assist members, the key differences between the current code and the LGA model are that:
 - a. The LGA model provides clearer guidance on when the Code of Conduct applies to Councillors
 - b. The LGA model provides more information about each aspect of the Code and the standards councillors should be expected to follow
 - c. The LGA model introduces greater requirements in respect of declaring gifts and hospitality, and declaring interests in meetings. In particular, it requires that Councillors should not take part in meetings where a matter directly relates to an "other interest" they have. Whilst this may appear a change from our current code, these requirements are already reflected in the Council's separate guide to gifts and hospitality for Councillors, and in the Council's committee procedures.
14. If the standards committee requests a change to the current Code of Conduct or to the LGA Model Code of Conduct, this will be proposed to Council to adopt. As highlighted by paragraph 13c above, the Monitoring Officer will also need to consider whether any substantive change is required to other parts of the Constitution to align to the Code of Conduct prior to Council adoption.

The Government's response to the Committee for Standards in Public Life review of Local Government Standards

15. As confirmed above, the government published its response to the Committee for Standards in Public Life review in March 2022. The Committee have since confirmed their disappointment with the response provided by government, which indicated that no substantial change will be made to the current standards regime.
16. For some time, criticism of the current regime has focused around two key issues:
- a. Councillor capacity; the law only expects Councillors to comply with the Code of Conduct when they are "acting in capacity". This means that the Councillor must have done or said something to make clear they were acting as a Councillor for the Code to apply. Whilst councillors are entitled to their private lives, many members of the public will expect councillors to uphold high standards at all times.
 - b. Sanctions; Councils do not have the power to suspend, recall or remove Councillors who have committed egregious breaches of the Code of Conduct. Whilst such breaches tend to be exceptional in nature, there have been instances across the country where extremely poor behaviour cannot receive an appropriate sanction. The Committee for Standards in Public Life had proposed to re-instate suspension powers but this has been rejected.
17. The government's response to each recommendation and the Council's position against the recommendation is attached at Appendix C. This has raised three further matters for consideration. Whilst each matter can be resolved through an officer decision, the Monitoring Officer would welcome the views of the Standards Committee:
- a. Whether the Councillor gifts and hospitality register should be published annually on the Council's website
 - b. Whether the Council's Independent Person should be offered an indemnity for the views they provide in respect of standards complaints
 - c. Whether the Whistleblowing policy should be updated to include details of the External Auditor

Consultation

18. As set out in paragraph 10 above, a consultation was undertaken with respect the Code of Conduct, with one response received.

Implications

Financial and Resources

Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its Corporate Plan and Budget.

19. There are no proposals in this report that would reduce or increase resources

Legal

20. The Council is required to comply with the Localism Act 2011, as supplemented by the Pecuniary Interest Regulations 2012 in the way that it produces its Code of Conduct and processes for handling standards complaints.

Statutory Considerations

Consideration	Details of any implications and proposed measures to address:
Equality and Diversity	Both the existing Code of Conduct and LGA Model Code of conduct encourage Councillors to support the Council in adhering to its responsibilities under the Equality Act 2010. It is not proposed to modify these elements in either Code, but any proposals made by the Committee in that regard may require an equality impact assessment.
Health, Social and Economic Impact	No specific implications
Crime and Disorder	It is a criminal offence for Councillors to fail to declare pecuniary interests or vote / discuss a matter where they have a pecuniary interest without a dispensation. Both codes support adherence to the law in this respect.
Children and Adults Safeguarding	No specific implications
Environmental Impact	No specific implications

Risk Management

Risk	Consequence	Controls Required
Failure to put in place adequate arrangements to support high standards of conduct	Poor Councillor behaviour, losing to loss of confidence in the Council and reputational damage	Adoption of the Code of Conduct, that all Councillors are expected to adhere to, establishes the expected standards of behaviour.

Other Options Considered

21. As outlined in the report, whilst the Council is obligated to adopt a Code of Conduct, it is up to the Council what form this takes. The report recommends either adopting the current Code of Conduct (potentially in modified form) as this is established, known and understood by Councillors, or the LGA model code of conduct, as a recognised national model.

Reasons for the decision/recommendation

22. It is good practice for Councils to review their governance arrangements periodically. This report seeks for the views of the Committee on the Code of Conduct and arrangements for standards, to ensure that the Council

demonstrates its ongoing commitment to high standards of conduct and governance.

Appendices:

Appendix A: Current Norwich City Council Code of Conduct

Appendix B: LGA Model Code of Conduct

Appendix C: Government response to the Committee for Standards in Public Life report on Local Government Standards

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NORWICH CITY COUNCIL COUNCILLOR CODE OF CONDUCT

INTRODUCTION

1. This code of conduct is made under section 27(2) of the Localism Act 2011 (“the Act”) and applies to all members of Norwich City Council (“the council”).
2. The purpose of this code is to promote and maintain high standards of conduct by members and co-opted members of the council when they are acting in that capacity.
3. This code is intended to promote and maintain behaviour consistent with the following principles:

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

4. You must register and declare interests as required by the Act.

GENERAL PROVISIONS

Introduction and interpretation

5. This code applies to you as a member²⁹ of the council.
6. You should read this code together with the general principles contained in the Act.
7. It is your responsibility to:
 - (a) comply with the provisions of this code
 - (b) undertake Code of Conduct training provided by the council
 - (c) co-operate with any Code of Conduct investigation and/or determination
 - (d) not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings

²⁹ “**member**” includes a co-opted member and an appointed member. “**co-opted member**” means 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.

³⁰ Reference to a joint committee is a reference to a joint committee on which the authority is represented.

- (e) comply with any sanction imposed following a finding that you have breached the Code of Conduct
- (f) not to make trivial or malicious allegations under this Code

8. In this code - "meeting" means any meeting of:

- (a) the authority
- (b) the executive of the authority
- (c) any of the authority's or its cabinet's committees, sub-committees or joint committees³⁰

Scope

9. Subject to paragraphs 10 to 13, you must comply with this code whenever you:

- (a) conduct the business of the council (which, in this code, includes the business of the office to which you are elected or appointed); or,
- (b) act, claim to act or give the impression you are acting as a representative of the council; and references to your official capacity are construed accordingly.

10. Subject to paragraphs 11 and 12, this code does not have effect in relation to your conduct other than where it is in your official capacity.

11. Conduct to which this code applies (whether that is conduct in your official capacity or conduct mentioned in paragraph 11) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

12. Where you act as a representative of the council:

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with the council's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

13. You must treat others with respect.

14. You must not:

(a) do anything which may cause the council to be in breach of any statutory obligations, including discriminating unlawfully against any 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;

(b) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the council.

(c) Bully or harass 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.

15. You must not:

(a) Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or;

(iv) the disclosure is:

(aa) reasonable and in the public interest; and,

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or,

(b) Prevent another person from gaining access to information to which that person is entitled by law.

16. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

17. You:

(a) Must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and,

(b) Must, when using or authorising the use by others of the resources of the council: (i) act in accordance with the council's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) Must have regard to any applicable Code of Practice for Local Authority Publicity made under the Local Government Act 1986.

18. When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

(a) The council's Chief Finance Officer; or

(b) The council's Monitoring Officer, where that officer is acting pursuant to their statutory duties.

19. You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the council.

20. Under the provisions of the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, you must give the Monitoring Officer written notice of any pecuniary or other interests and any changes, which apply to you or where it is an interest of your spouse or partner (a person with whom you are living as a husband and wife; or a person with whom you are living with as if you are civil partners) within 28 days of:

(a) Election or appointment to office (if that is later);

(b) Any change to the interests;

(c) Disclosing an interest at a meeting (where not otherwise entered on the register);

(d) Becoming aware of the interest when solely discharging a function of the authority as a member of the council's cabinet.

21. It is a prosecutable offence to fail to notify the Monitoring Officer of your interests or knowingly/recklessly provide false or misleading information.

22. The pecuniary interests which are specified for these purposes in the Act are:

(a) Employment, office, trade, profession or vocation that you or your spouse/partner undertake for profit, remuneration or other gain;

(b) Sponsorship: any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in relation to any expenses you have incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment of financial benefit from a trade union.

(c) Any contract which is made between you or your spouse/partner or a body in which you (or your spouse/partner) has a beneficial interest) and the relevant authority: (i) under which goods or services are to be provided or works are to be executed; and,
(ii) which has not been fully discharged;

(d) Land: Any beneficial interest in land that you or your spouse/partner might have which is within the area of the relevant authority;

(e) Licences: Any licence (whether you alone, your spouse/partner's or held jointly with others) to occupy the land in the area of the relevant authority for a month or longer;

(f) Corporate tenancies: any tenancy where to your knowledge:

(i) the landlord is the relevant authority; and,

(ii) the tenant is a body in which the relevant person has a beneficial interest.

(g) Securities: any beneficial interest in securities of a body where that body to your knowledge has a place of business or land in the area of the relevant authority; and, 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) either the total nominal value or the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

23. You must also register other interests you may have which impact on your role within the council which include:

(a) Membership of political parties; pressure groups; trade unions; charitable, voluntary or social enterprise organisations;

(b) Membership of another public sector organisation;

(c) Any other bodies not declared as a pecuniary interest in which you have a position of general control or management;

(d) Outside bodies to which you have been appointed by the council;

(e) Non-remunerated advice, guidance or consultancy you have provided on an ongoing basis, or specifically within a past 12 month period;

(f) Lobbying you have participated in, or matters you have been lobbied on (particularly where you may be predetermined on an individual matter);

(g) Organisations in which you have a beneficial interest which does not meet the requirements of 22 (g), (i) or (ii) above;

(h) Any other matters you consider should be disclosed;

(i) Pecuniary interests held by other members of your family or close associates which are likely to impact on your role as a councillor.

24. You may apply to the Monitoring Officer if you have a pecuniary interest which is sensitive and would cause you harm or victimisation as a result of the interest being made public. If the Monitoring Officer agrees the only notification that will be required is that you have a pecuniary interest and you will not need to disclose the details.

25. A member with a pecuniary or other interest in a matter, who attends a meeting of the authority at which the matter is considered, must disclose to that meeting the existence

and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

26. You have a legal requirement to declare pecuniary interests at a meeting and must not take part in any discussion or vote on the matter.

27. If you are dealing with matters as a cabinet member and become aware of the interest, you must not take any further action in relation to it.

28. You may apply to the Monitoring Officer for a dispensation where you wish to participate in the consideration of an item and vote and you have a disclosable pecuniary interest where:

(a) a committee may not be quorate without the dispensation being given;

- (b) a disproportionate political representation on a committee may arise;
- (c) it is in the public interest to give a dispensation;
- (d) the cabinet could not make a decision without a dispensation;
- (e) it is otherwise appropriate.

29. It is a prosecutable offence to continue to act where you have a disclosable pecuniary interest.

30. You will be required to withdraw from the meeting during the discussion of matters where you have a disclosable pecuniary interest. You have the same rights as a member of the public to speak at the meeting (i.e. you cannot vote or participate in the debate).

31. You must declare other interests, which impact on your role as a councillor, where it is relevant, but not prejudicial, to the matter under consideration. You may participate in discussion and the vote on the matter.

32. When participating in quasi judicial/regulatory decision making, you should also approach the matter with an open mind. If you appear to the public to have a closed mind on a matter you will be considered to have pre-determined the matter and therefore should not vote on the issue. If you have a pre-determined view in a matter under consideration, you will be required to withdraw from the room during the discussion and not participate in the discussion or



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

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

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

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

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

Introduction

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

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

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

Definitions

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

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

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

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

Purpose of the Code of Conduct

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

General principles of councillor conduct

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

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

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

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

In undertaking my role:

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

Application of the Code of Conduct

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

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

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

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

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

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

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

Officer.

Standards of councillor conduct

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

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

General Conduct

1. Respect

As a councillor:

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

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

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

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

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

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

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

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

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

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

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

3. Impartiality of officers of the council

As a councillor:

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

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

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

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

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

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

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

5. Disrepute

As a councillor:

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

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

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

6. Use of position

As a councillor:

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

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

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

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

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

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

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

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

8. Complying with the Code of Conduct

As a Councillor:

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

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

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

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

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

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

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

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

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

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

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

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

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Appendix B Registering interests

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

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

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

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

Non participation in case of disclosable pecuniary interest

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

Disclosure of Other Registerable Interests

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

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

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

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

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

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

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

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

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 incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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

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.

The Government's response to the Committee for Standards in Public Life (CSPL) review of Local Government Standards

	Recommendation by CSPL	Government Response (abbreviated)	Norwich Position
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	The Government recognised this had been undertaken by the LGA albeit it is for local authorities to adopt a model that is right for them	Following publication of the LGA model in 2021, Norwich reviewed its own code of conduct, making amendments as it considered appropriate. A revised Code of Conduct was adopted in July 2021 <i>The code of conduct is subject to consideration by the Standards Committee at this meeting.</i>
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests	The Government was supportive of this recommendation and will look to amend the regulations so councillors do not have to put their home address in the public domain	The regulations give Monitoring Officers the authority to remove Councillor details from the public domain where it make place them at risk. In light of the rising concerns regarding Councillor safety, the Monitoring Officer has already agreed to withdraw home addresses of all councillors from the public domain. <i>No further action is recommended at this stage.</i>
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local	The government disagrees with this recommendation, highlighting that the public and private lives of councillors should not be conflated	The Council has to comply with the law, which indicates that Councillors are only bound by the Code of Conduct when they are acting in their capacity as a Councillor. As a result, the Monitoring

	authorities to presume so when deciding upon code of conduct breaches.		<p>Officer cannot consider complaints against Councillors unless there is some indication the Councillor was acting “in capacity”.</p> <p><i>As the government has indicated they will not change the law, no further action is required</i></p>
4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	The government have agreed to keep the topic of when a councillor is acting in capacity under review, but do not intend to make any changes at this stage	<p>As above, the Council’s code of conduct has to comply with the existing law in s.27(2) of the localism act; our current code replicates the localism act wording.</p> <p><i>As the government has indicated they will not change the law, no further action is required</i></p>
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	The government have indicated they are mindful councillors have a private life and therefore do not intend to change the law to require councillors to declare such interests (note – adding these interests would make it a criminal offence if councillors failed to declare them)	<p>Our code of conduct expects councillors to declare such matters as other interests. We also expect councillors to be honest in declaring such interests in meetings to avoid potential predetermination or bias in decision making.</p> <p><i>As the government has indicated they will not change the law, no further action is required</i></p>
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single	The government accept there is merit in this proposal and that the gift and hospitality register are publicly available	The Council has a separate code of practice on gifts and hospitality for Councillors, requiring them to declare any gifts or hospitality greater than £25. This is then recorded on a register held

	source. This requirement should be included in an updated model code of conduct.		by Democratic Services and would be available to the public on request. Decision required: <i>Do we wish to publish the gifts and hospitality register on the Council's website?</i>
7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to the matter".	The government have indicated they will keep this matter under review but do not plan to change the law	In practice, Councillors are also required to consider whether they could be predetermined or biased in their decision making. This is emphasized in paragraph 32 of the Council's Code of Conduct and in paragraph 130 of the Council's procedure rules which require councillors to recuse themselves where this applies. <i>No further action is proposed</i>
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	The government disagree with this recommendation, acknowledging that where Councils have skilled and capable people there should not be restrictions on their appointment	As the government do not intend to change the law in this regard, it is not proposed to take further action
9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes	The government disagree with this as a misapplication of the Transparency Code and whilst the substance of publishing the Independent Person's opinion may have merit, there should not be an obligation to record an	Where a complaint reaches the point of a standards committee and a member is found to have breached the Code, then we do publish details of the Independent Person's opinion as part of the decision. Similarly, this would be recorded on any other decision notices in relation to complaints that were settled informally at

		opinion on a complaint without merit	<p>an earlier stage albeit such decision notices would not be made public.</p> <p><i>This is not going to be a requirement; the Council complies with the spirit of the recommendation therefore no further action proposed</i></p>
10 12 13 14 15 16	Recommendations 10 and 12-16 relating to providing opportunities for local authorities to suspend councillors in specific circumstances	The government do not intend to implement these recommendations on the grounds that there are other sanctions available and all councillors are ultimately held to account by the ballot box. They have indicated they will consult further	As the government do not intend to change the law in this regard, no further action can be taken
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	The government support this but do not intend to formally implement through legislation	<p>Again, the government do not intend to change the law in this regard. We have not presently given our independent person a formal indemnity albeit could if we wished to.</p> <p>Decision: <i>Whether to offer our Independent Person a formal indemnity for their advice where disclosed</i></p>
17	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g., bullying; conflict of interest); the outcome of those complaints, including if they are rejected as	The government believe it would be better for this to be undertaken through sector wide good practice rather than a formal requirement	This will be included as part of the Standards Committee report moving forwards.

	trivial or vexatious; and any sanctions applied.		
18	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	The government have indicated that there are other legal powers to ban individuals from premises and will consider this matter further	If this were to prove necessary, as the government have highlighted, the Council could look to use other legal powers available albeit this would only be in the most extreme of situations. <i>No further action is proposed at this stage</i>
19	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished	The government believes this acts as a strong deterrent to corruption and does not intend to change the law	As the government do not intend to change the law in this regard, no further action can be taken
20 21	Recommendations 20 and 21 relate to Parish Councils and do not apply to Norwich		
22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	The government agrees in principle and will review the situation	As the government does not intend to change the law at this stage, no further action can be taken
23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	The government supports this in principle	The Whistleblowing policy currently includes a number of potential sources to refer complaints but does not include the external auditor and contact details specifically Decision: <i>Whether to include this detail in the whistleblowing policy</i>

24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	The government does not believe that Councillors can meet the criteria of being a prescribed person at present but is open to further representations	<p>Prescribed persons are people external to the organisation to whom an employee can raise a concern and be offered legal protection for doing so (for example, by raising a concern to the Health and Safety Executive).</p> <p>The government have confirmed Councillors do not meet this criteria and therefore we cannot amend the whistleblowing policy in this regard.</p>
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