

AGENDA

Meeting: Standards Committee

Place: [Access the online meeting here](#)

Date: Thursday 4 February 2021

Time: 1.00 pm

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

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Membership:

Cllr Richard Britton	Cllr Paul Oatway QPM (Chairman)
Cllr Derek Brown OBE	Cllr Fred Westmoreland
Cllr Andrew Bryant	Cllr Stuart Wheeler
Cllr Ernie Clark	Mr Richard Baxter (non-voting)
Cllr Peter Evans	Mr Philip Gill MBE (non-voting)
Cllr Peter Fuller	Mr Michael Lockhart (non-voting)
Cllr Howard Greenman (Vice-Chairman)	Miss Pam Turner (non-voting)
Cllr Ruth Hopkinson	

Substitutes:

Cllr Trevor Carbin	Cllr George Jeans
Cllr Sue Evans	Cllr Gordon King
Cllr Nick Fogg MBE	Cllr Brian Mathew
Cllr Jon Hubbard	Cllr Fleur de Rhé-Philippe MBE
Cllr Chris Hurst	Cllr Graham Wright
Cllr Peter Hutton	

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AGENDA

Part 1

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutes for the meeting.

2 **Minutes** (*Pages 5 - 24*)

To confirm the minutes of the meeting held on 7 October 2020.

To receive the minutes of the Hearing Sub-Committee meeting held on 23 September 2020, 2 November 2020 and 6 November 2020.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

[Guidance on how to participate in the meeting online](#)

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Statements

If you would like to make a statement at this meeting on any item on this agenda, please contact the officer named on the front of the agenda no later than 5pm on 2 February 2021.

Questions

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 28 January 2021 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 1 February 2021. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Status Report on Code of Conduct Complaints** *(Pages 25 - 30)*

To receive a report from the Monitoring Officer.

7 **Complaints Report** *(Pages 31 - 40)*

To receive a report from the Monitoring Officer.

8 **Appointment of Co-opted Members of the Standards Committee** *(Pages 41 - 48)*

To receive a report from the Monitoring Officer.

9 **Local Government Association (LGA) Model Code of Conduct** *(Pages 49 - 84)*

To consider the LGA Model Code of Conduct published following its 2020 consultation.

10 **Urgent Items**

Any other items of business which the Chairman agrees to consider as a matter of urgency.

Part II

Item(s) during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

Standards Committee

MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 7 OCTOBER 2020 AT ONLINE MEETING.

Present:

Cllr Derek Brown OBE, Cllr Andrew Bryant, Cllr Ernie Clark, Cllr Peter Evans, Cllr Peter Fuller, Cllr Howard Greenman (Vice-Chairman), Cllr Ruth Hopkinson, Cllr Paul Oatway QPM (Chairman), Cllr Stuart Wheeler, Mr Richard Baxter and Mr Michael Lockhart

Also Present:

Cllr Richard Britton

11 Apologies for Absence

Apologies were received from Pam Turner and Cllr Fred Westmoreland.

12 Minutes

The minutes of the meeting held on 7 July 2020 were presented for consideration, and it was,

Resolved:

To approve and sign the minutes as a true and correct record.

13 Declarations of Interest

There were no declarations.

14 Chairman's Announcements

Through the Chair there were the following announcements:

It was noted that the Council's draft response to the Local Government Association on its draft Model Code of Conduct had been submitted in August 2020, following circulation to the Committee.

The Committee on Standards in Public Life had also contacted the Chief Executive to seek an update on the Council's response to its Best Practice Recommendations in its report on Local Government Ethical Standards, which was considered by the Committee at its meeting on May 2019. A response

based on the considerations of the Committee was being prepared, and could be provided to the Committee.

15 **Public Participation**

There were no questions or statements submitted.

16 **Status Report on Code of Conduct Complaints**

A report was presented on the status of Code of Conduct complaints. A correction was made to paragraphs 10 and 12 of the report. It was clarified that the breakdown of the complaints should read: two assessed by sub-committee no further action, one dealt with by alternative resolution, nine pending assessment (incorrectly listed in appendix 1 as 5 for the month of August when in fact should be 4), five on short term hold at request of complainant and two assessed by MO under paragraph 4.6 as no further action, for a total of 19.

It was noted that following disruption as a result of Covid-19, the Assessment Sub-Committee was now continuing to meet and determine complaints. It was noted that there could be an increase in complaints in the period running up to new elections. Thanks were also made to the member of the Sub-Committee for their work.

Later in the meeting it was also noted as stated in the report that it was important to ensure that complaints were dealt with in a timely and high quality matter, and the Chairman would therefore undertake with the Monitoring Officer a random dip sampling of complaints to ensure the procedures were operating effectively and efficiently.

At the end of discussion, it was,

Resolved:

- 1) **To note the current position on Code of Conduct Complaints.**
- 2) **To consider whether there is any further or different information that they would wish to see in future updates.**
- 3) **To note the additional monitoring of the Code of Conduct Complaints Procedure being developed**

17 **Recommendations from the Constitution Focus Group**

A report was presented on recommendations for constitutional changes proposed by the Constitution Focus Group.

It was noted that the Committee had proposed changes to the Policy Framework at its meeting on 15 January 2020. At its meeting on 21 July 2020 Full Council had requested this be reviewed in response to a query raised by a member of the public. The Focus Group had re-considered the proposals and revised the wording in relation to the local development framework documents

to clarify that there would no change in those documents being approved by Full Council.

It was also recommended that the name of the Audit Committee be changed to the Audit and Governance Committee, to reflect its terms of reference and responsibilities. No other changes to the Committee terms of reference were proposed.

It was also stated that discussions had been held on amending the terms of reference of the Health and Wellbeing Board, including its membership details.

Therefore, it was,

Resolved:

To recommend Full Council approve the revisions to Part 3B of the Constitution as set out in Appendix C.

18 **Appointment of Independent Persons**

A report was presented on the process for appointment of Independent Persons, whose views must be sought and taken into account before the Council makes a decision on Code of Conduct complaints, in accordance with the Localism Act 2011.

The Council had appointed three Independent Persons, whose terms would come to an end in May 2021. It was proposed to delegate responsibility for the recruitment process for to the Monitoring Officer, so that Council would be able to appoint to the roles in the first meeting after the May 2021 elections.

Therefore, it was,

Resolved:

To authorise the Monitoring Officer, in consultation with the Chairman, to take all necessary steps to secure the appointment of three Independent Persons at the meeting of Full Council following the election in May 2021.

19 **Date of the next meeting**

The date of the next meeting was confirmed as 16 December 2020.

20 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.30 - 2.55 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services,
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Standards Hearing Sub-Committee

MINUTES OF THE STANDARDS HEARING SUB-COMMITTEE MEETING HELD ON 23 SEPTEMBER 2020, 2 NOVEMBER 2020 AND 6 NOVEMBER 2020 AT ONLINE MEETING.

Present:

Councillor Peter Evans, Councillor Richard Britton, Councillor Ruth Hopkinson and Mr Richard Baxter (non-voting)

Also Present:

Ian Gibbons (Monitoring Officer), Alice Ryan-Lowes (Trainee Solicitor), Kieran Elliott (Senior Democratic Services Officer), Stuart Middleton (Independent Person), Councillor Mary Douglas (Subject Member), Dr Roger Kiska, Christian Legal Centre (supporting the Subject Member), Marie Lindsay (Investigating Officer), Frank Cain (Head of Legal Services, supporting the Investigating Officer).

1 **Election of Chairman**

Nominations for a Chairman of the Standards Hearing Sub-Committee to consider the listed complaints were sought, and it was,

Resolved:

To elect Councillor Ruth Hopkinson as Chairman for the Hearing Sub-Committee in consideration of Complaints COC126486 and COC126543.

2 **Declarations of Interest**

Councillors Richard Britton and Peter Evans declared a non-pecuniary interest that they were members of the same political group on Wiltshire Council as the Subject Member. It was confirmed by all parties that this would not prevent them sitting in fair consideration of the matter.

3 **Meeting Procedure**

The procedure for Hearing Sub-Committees was noted.

The Chairman advised that the Sub-Committee was required under the Localism Act 2011 to seek and take account of the views of an Independent Person before making a determination on an allegation of a breach of a Code of Conduct. The Independent Person assigned for this purpose was unfortunately unable to be present, and as had been communicated to all parties before the meeting it was therefore intended to adjourn the meeting to a future date following agreement of procedural matters. All parties confirmed they were content with that approach.

All parties present were then introduced.

4 **Exclusion of the Press and Public**

The Chairman sought views from the parties, including legal representatives, as to whether the Hearing should be conducted in public or whether the press and public should be excluded.

No objections were raised to the Hearing being conducted publicly in the interests of openness and transparency. This would not prevent a resolution during the Hearing to enter confidential session if necessary, at some point. As it was intended to adjourn the remainder of the meeting to a future date, however, it was agreed that all documentation should remain confidential until at least the resumption of the Hearing and a decision taken at that time.

Accordingly, whilst indicating that it was the current intention that the Hearing be conducted publicly once rescheduled, for the time being it was,

Resolved:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 5 onwards because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Following resumption of the meeting on 2 November 2020, it was resolved to proceed in public, as detailed further under Minute 5-6.

5 **Determination of Code of Conduct Complaint COC126486 Regarding Councillor M Douglas, Wiltshire Council**

6 **Determination of Code of Conduct Complaint COC126543 Regarding Councillor M Douglas, Wiltshire Council**

23 September 2020

The Hearing would be in relation to two complaints (COC126486 and COC126543) received against Councillor Mary Douglas of Wiltshire Council (the Subject Member), each in relation to the same facts and incident, and so both would be considered and determined together.

For the reasons set out under Minute 3, the Hearing was then adjourned to a future date. It was agreed that there would be an exchange of written submissions from the legal representatives for the Investigating Officer and the Subject Member in advance of that date, for publication within Agenda Supplements.

The meeting was therefore adjourned until 2 November 2020 at 1230.

2 November 2020

Background

The Chairman, Councillor Ruth Hopkinson, summarised the business that had been conducted on 23 September 2020 when the meeting had been convened, including election of a Chairman, declarations of interest, meeting procedure and exclusion of the press and public. Introductions of each party present then took place. It was confirmed that one complainant had provided a statement in place of attendance, and the other had indicated they did not wish to attend.

The Sub-Committee, after taking comments from the parties present, resolved to conduct the remainder of the Hearing in public session.

Following reconfirmation of the procedure that would be followed in accordance with Paragraph 8 of Protocol 11 of the Constitution, and noting the papers provided in the Agenda, Agenda Supplement 1 and Agenda Supplement 2 including the written submissions on behalf of the Investigating Officer and the Subject Member, the meeting then proceeded.

Investigating Officer

Frank Cain, Barrister, Head of Legal Services, presented the findings of the Investigating Officer, Marie Lindsay, as detailed in her reports set out in the Agenda and the written submission and supporting information in Agenda Supplement 1.

The complaints each related to a meeting of Salisbury Area Board on 4 November 2019 where it was alleged that Councillor Douglas had breached the Code of Conduct by failing to promote high standards of conduct in her public office in that she:

- Did not act in the public interest when she expressed her personal views on the Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) community to justify her position in not supporting the provision of a grant for the Pride March in Salisbury during 2020;
- failed to have regard to the Public Sector Equality Duty (PSED) when she expressed her personal views in regard to the LGBTQ community; failed to consider the needs of different groups within her constituency; and in doing so,
- failed to have regard to the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership as required by the Code.

The complainants, Maxine Nutting and Lisa Taylor, were not present at the meeting, but separately submitted complaints following media reports of the meeting and the statement which Councillor Douglas made at the meeting. Although the accuracy of media reporting had been raised during the investigation, a copy of the statement had been provided by Councillor Douglas, and it was that statement which formed the basis of the investigation and assessment. The statement was as follows:

"I cannot support this. Not because I do not accept or respect or love people who identify as LGBTQ but because I do. I do not reject people who so identify, and I support completely their right to make choices and to live as they see fit.

However, I do not support those choices themselves, nor the ideology they represent. These are beautiful people, well-meaning and sincere, but misguided by a powerful ideology – google Gay Liberation Front Manifesto mid-20th C – which I do not want to be part of promoting. This is not just my view – it represents that of many people who are afraid to say so, 'the silent majority'.

In fact, even if I agree with the ideology, should local government be funding a march to raise the profile and promote the worldview of any one part of our community. In a diverse society, we need to tolerate different viewpoints and lifestyle, but we do not need to affirm them. Indeed, the very word 'tolerate' indicates that we disagree or potentially disapprove of that which we are asked to tolerate. We absolutely should permit marches promoting an ideology, religion or worldview but we do not need to and, indeed, should not promote them".

It was also agreed by both parties that Councillor Douglas is and was at the time of the meeting a Member of Wiltshire Council, that the Code of Conduct was in effect at the time of the meeting, and that the Public Sector Equality Duty extended to Councillor Douglas and her decision making at the meeting on 4 November 2019.

Mr Cain stated that the complaint raised fundamental issues of freedom of speech and the Public Sector Equality Duty, and that the Investigating Officer had concluded that a breach of the Code of Conduct appeared to have occurred.

It was raised whether there was evidence in the statement made that the Subject Member had had due regard to Public Sector Equality Duty as required. The submissions on behalf of the Investigating Officer concluded that the statement did not demonstrate such due regard to the need to promote good relations and other requirements, and that the statement was not merely about the personal, sincere beliefs of the Subject Member, but expressing judgement on the beliefs or actions of others including that others had been 'misguided by a powerful ideology'. Mr Cain invited the Sub-Committee to consider the matter if the comments had been directed at other groups or individuals.

A further question raised was whether, if there was a failure by the Subject Member to have due regard to the Public Sector Equality Duty, would that amount to a breach of the Code of Conduct. The Code itself included no reference to Public Sector Equality Duty but included provision on promoting and supporting high standards of conduct and to have regard of the Nolan Principles of Conduct in Public Life, including leadership, objectivity, selflessness and more. The Code also requires Members to have regard to Part 11 of the Wiltshire Council Constitution – Roles and Responsibilities of Members – which included references to being aware of equality issues, acting as a community leader and setting aside personal views in decision making. The Investigating Officer was of the view that there had been a failure to have

due regard to Public Sector Equality Duty, and that this would in this case amount to a breach of the Code.

Finally, Mr Cain stated that if it was determined there had been a breach, it must also be considered if there was sufficient justification to interfere with the Subject Member's right to free expression. He stated the case was about political leadership and inclusiveness, not direct discrimination, and that the government had recognised through the Public Sector Equality Duty and legislation a pressing social need to develop an inclusive society. Therefore, the issue was not about the personal capacity of the Subject Member but her obligations as an elected Member and, at the time, a Portfolio Holder, a position of seniority among Members. It was suggested that if the council had made such a decision on the same basis it could be legally challengeable, and that if the personal beliefs of the Subject Member meant she felt she could not support the grant application in question, she could have taken other actions or statements which did not contradict the Public Sector Equality Duty as the statement she made did. As such, interference in this instance was justified.

A statement from Maxine Nutting, complainant, was then read out to the Sub-Committee. The statement asserted that the Subject Member's actions were not in accordance with the Equality Act 2010, and treated people less favourably based on their sexuality, a protected characteristic, to further the personal beliefs of the Subject Member, and that free speech did not permit the Subject Member to infringe the rights of others and improperly influence her decision making.

Councillor Douglas and her legal representative, Dr Roger Kiska, then had the opportunity to ask questions of the Investigating Officer and her legal representative.

In response to queries it was confirmed the Investigating Officer was a trained ethical governance officer but did not hold legal qualifications.

Several queries were made on the media reporting which had prompted the complaints which was stated to include several inaccuracies including on past alleged comments of the Subject Member, and the impact this had on the complainants and investigation. In response it was stated that direct evidence had been supplied by the Subject Member of the statement she had made at the meeting. The Investigating Officer did not refute the view of the Subject Member that the media reporting had contained inaccuracies, but this was not relevant to consideration of whether the statement itself, as made, was in breach of the Code, nor was the absence of the complainants from the meeting at which the statement was made relevant.

It was confirmed that because of the nature of the complaint and complex Public Sector Equality Duty issues it was not felt appropriate to seek alternative resolution or mediation in this case. Dr Kiska drew attention to references within the complaint itself to discrimination, and he considered that this related to

direct discrimination of individuals which was not alleged in these circumstances and asked whether either complainant had mentioned Public Sector Equality Duty as part of their complaints. In response it was stated then when there was an investigation all relevant factors and considerations were taken into account. Whilst the perceptions of a complainant as to whether and how there was a breach was relevant, an investigation was required to consider more broadly if from the evidence it appeared a breach had occurred, not be restricted to consider only the potentially narrow, lay person view of the events and the Code.

Reference was made by Dr Kiska to allegations of the Subject Member disadvantaging others through her actions, and it was stated that as the grant to Salisbury Pride had in fact been awarded by the Salisbury Area Board notwithstanding her statement and vote, no such a disadvantage occurred. In response it was stated that the Investigating Officer did not conclude there had been a disadvantage, but that the failure to have due regard to Public Sector Equality Duty amounted to a breach.

It was agreed that Councillor Douglas's stated position was that she did not believe sexual orientation was a choice, but that she considered the response to that orientation a choice.

Questions were raised on references in the Investigating Officer's report to political ideologies and worldviews not being relevant and whether a reasonable person could consider some LGBT advocacy groups as also being political in nature. In response, it was stated it was not felt that would be relevant to the particular finding and reasoning as to why a breach was felt to have occurred.

Questions were asked about biblical views on homosexual behaviour. The Chairman intervened to clarify that it was not in dispute that Councillor Douglas had strong and genuine religious beliefs to which she was entitled and to which others were entitled, but it was not the role of the Investigating Officer or the Sub-Committee to consider theological debates, only if the actions of the Subject Member had been a breach of a Code of Conduct.

Mr Cain was asked why it was considered the balance of free expression and Public Sector Equality Duty were in conflict on this occasion. It was stated in response that looking at the requirements of Public Sector Equality Duty, the Code and Part 11 would establish what might be required by an elected Member and that while sometimes there would be no conflict with free expression on occasion there would be, and the needs would need to be balanced. It was accepted as set out in the report that the threshold for interfering with the free expression of an elected Member was high, but that the argument of the Investigating Officer was that the Public Sector Equality Duty was a pressing social need which justified that interference on this occasion.

The Sub-Committee then had the opportunity to ask questions of the Investigating Officer and her representative.

The status of the Subject Member as a Portfolio Holder was raised, and whether this was relevant at her attendance at an Area Board meeting in her capacity as a local member. It was stated that whilst she had not been attending in that capacity at the time she did hold the role, a senior position at the council, and this had relevance on the perception and impact of her comments including as a community leader.

The need to have due regard to the Public Sector Equality Duty was raised, and how Area Board members and the council generally could or should meet that requirement. It was accepted that it could be difficult to evidence having that regard in some situations, but that all public bodies including during collective decision making were required to do so. It was asked whether the Area Board would have been entitled not to approve the grant to Salisbury Pride if they had wished, and it was stated they could have, though there would still have needed to be consideration of Public Sector Equality Duty in some form.

Questions were asked on how to define what amounted to conduct, and it was stated this would be actions taken in public office, including words and behaviour, and that Part 11 of the Constitution set out some expected roles and responsibilities for Members.

The media reporting was referenced, and details sought on why, if it was as accepted in some areas in error, it was and had been appropriate to investigate. It was confirmed a complaint was a catalyst which opened the investigative process, but that the investigation looked at actual actions not simply the complaint, and conclusions had been based on confirmed evidence and not any inaccuracies or misinterpretations.

Subject Member

Councillor Mary Douglas, the Subject Member, then made a statement in response to the Investigating Officer's report. She stated her intent had only been to help people live well and promote wellbeing, and that she had shared some of her beliefs to explain her decision at the meeting in question. She felt the significance of inaccurate media reporting, including an incorrect claim that she had referred to transgender people as 'mentally ill' had been disregarded, as these had formed the basis of the complaints being submitted. She reiterated that the report repeated that she considered sexual orientation as a choice, which she had stated several times was not the case, and she disagreed with the report's assertion that her views on the political activity of some groups were not of relevance. She considered her views and words had been misrepresented.

Councillor Douglas then set out how she felt she had upheld the Nolan Principles of Conduct in Public Life, including acting with integrity with her beliefs, objectivity in that she felt she did not support council funding for promotion of worldviews even if she agreed with the worldview, and in taking a decision and explaining it fully although knowing it would not be universally

popular, had demonstrated selflessness, accountability, openness, honesty and leadership as required.

Dr Roger Kiska, Christian Legal Centre, with and on behalf of Councillor Douglas, then responded to the presentation by the Investigating Officer's representative with reference to the written submission and supporting information in Agenda Supplement 2.

Dr Kiska disputed the comment that there would have been similar issues had such a statement as made by Councillor Douglas had been made regarding Christians, but that this had not been raised before the Hearing so he did not have specific examples to hand but could provide these. It was considered relevant that the motivation of the complaints was inaccurate media reporting, as without that reporting there may have been no complaints, and the lack of participation in the Hearing by the complainants was also relevant, as was the lack of reference to Public Sector Equality Duty in the initial complaints. It was reiterated that the Subject Member had spoken to the grant applicants after the meeting to assure them that there was no personal issue, and it was stated if the complainants had been made aware of this they may not have chosen to pursue the complaints further.

Dr Kiska considered that the obligations of Public Sector Equality Duty had been applied too rigorously by the Investigating Officer. Having due regard gave discretion to the individual, and did not prevent the consideration of other factors, and it was not for the Sub-Committee to consider whether appropriate weight had been given to the Public Sector Equality Duty, only to consider if it had been given due regard, and that the views of others including Councillor Douglas also needed protecting. It was argued by the nature of her statement the Subject Member had shown due regard. Furthermore, whilst Public Sector Equality Duty allowed for groups to be treated more favourably than others where appropriate, this was not a requirement.

It was also argued that the report conflated being a member of an LGBT community with being a campaigner, even though not all those who were gay for example would be campaigners for an LGBT organisation, nor would all members of that organisation be gay. It was argued that organisations had a right to be explicitly political, but this meant that events from that organisation, such as Salisbury Pride, were capable of being political events in addition to other aims, and there was a difference between the message being promoted and the person.

Dr Kiska stated there was a perception that the Subject Member had been solely emphasising her personal views and so did not exercise the Public Sector Equality Duty and so showed a lack of activity. However, it was argued that many of her constituents, though not all, will have shared the views she expressed and that those views also deserved respect, that a multicultural society did not mean everyone had to agree, and that subjective offence being taken did not mean there was objective offence.

It was stated that a finding of a breach in this instance would be an unacceptable interference with free speech. This had the very highest levels of legal protection, was particularly vital in the context of debate, and the law only allows interference where proscribed by law to pursue a legitimate aim necessary to democratic society. It was argued that an exhaustive list of legitimate aims was set out in Article 10 of the Human Rights Act 1998, but that the reason relied upon by the Investigating Officer, equality considerations, was not one of them. This could not therefore form the basis of justifying an interference in the Subject Member's free expression. Reference had been made for a pressing social need justifying this, but Dr Kiska stated this referred to the legitimate aims.

Finally, it was argued that the Subject Member acted selflessly, knowing her actions would be unpopular but staying true to her beliefs whilst objectively treating all views the same, that she was open and accountable and showed leadership in not avoiding explanation for her view. It was stated it would be inappropriate to find Councillor Douglas to be in breach of the Code of Conduct, and that the role of a political body was to discuss views from all sides.

Mr Cain and Ms Lindsay were then given the opportunity to ask questions of the Subject Member and her representative, and confirmed they had no questions.

The Sub-Committee then had the opportunity to ask questions of the Subject Member and her representative.

In response to queries the Subject Member stated she did not believe she had received representations relating to the grant application before the meeting in question, that her understanding of proselytising behaviour was to communicate a view with the aim of convincing others to agree with it and join with you through campaigning, but that it was a complicated area to draw a line.

Councillor Douglas further stated in response to queries that whilst she may not have directly referenced Public Sector Equality Duty in her statement, she did believe that the content of her statement indicated she had considered it as required. She stated she accepted sexual orientation was a protected characteristic and showed respect to others even when she disagreed with their actions.

In response to a query on why she had prepared a statement in advance, the Subject Member stated she was aware it would be a controversial topic and so wished to be careful in what she said and have evidence of her words. She stated she would have liked to have been clearer in setting out that she does not regard sexual orientation as a choice.

Concluding statements

Both parties were then given the opportunity to make concluding statements.

Mr Cain on behalf of the investigating officer asked the Sub-Committee to review the statement made by the Subject Member at the meeting on 4 November 2019 and determine if they felt that due regard had been given to the Public Sector Equality Duty. Although it was not for others to impose their own weight on how much regard should have been afforded to the Public Sector Equality Duty, legal cases indicated this was where there had been rigorous consideration of the duty. The statement was not merely a recitation of belief but included attacking those 'misguided by a powerful ideology', attacking a wider community and that while those persons might be nice, they are doing wrong. As a local authority the council under Public Sector Equality Duty had to seek to eliminate discrimination and foster good relations between communities, and it was argued that the statement made did not do so.

On the argument of the Subject Member's representative about legitimate aims it was argued that the Public Sector Equality Duty imposed by Parliament identified the rights of protected groups and the requirement to eliminate discrimination against those groups. Part 11 of the Constitution further referenced being able to set aside one's own views and act impartially, and that there were alternatives to the action the Subject Member took, including abstention, but that the statement went beyond requirements to seek to undermine a group protected under Public Sector Equality Duty.

Dr Kiska highlighted the main points set out in his submission and contended that there was a double standard in that had a Christian applied for a grant and been referred to in the same way there would not be the same response. It was reiterated that political speech was afforded the highest level of protection, and that the six legitimate aims to justify interference with free expression did not include that claimed by the Investigating Officer.

Councillor Douglas concluded by stating that to disagree is not to disrespect, that there was a responsibility to express disagreement in decision making, and she did not believe her statement could have been a breach of the Code of Conduct.

The Sub-Committee then withdrew along with supporting officers from Legal Services and Democratic Services and the Independent Person to consider the representations and submissions they had received.

Following several hours of deliberations, the Sub-Committee contacted the parties to confirm it would reserve its decision to a future date as it required further time to consider all information.

The meeting was therefore adjourned from approximately 1645 on 2 November 2020.

6 November 2020

Following further deliberation, the meeting reconvened on 6 November 2020 at 1630, where a decision was announced as detailed below.

Decision

Having considered all relevant matters, including the complaints, investigating officer's report, the submissions made on both sides, and the statement from one of the complainants, the Sub-Committee has concluded:

- 1. On a balance of probabilities Councillor Douglas did have due regard to the matters set out in section 149 Equality Act 2010 and, therefore, met her obligations under the Public Sector Equality Duty.**
- 2. Notwithstanding this, the Sub-Committee considered Councillor Douglas' words and actions against the wider obligations of the Council's Code of Conduct, including the overall duty to promote and maintain high standards of conduct, and specifically the requirement to have regard to the Nolan principles of conduct in public life, and the roles and responsibilities of councillors as set out in Part 11 of the Council's Constitution.**
- 3. The Sub-Committee concluded that Councillor Douglas' actions, and in particular the content of her pre-prepared statement at the Area Board meeting on 4 November 2019 and the context in which it was made fell short of these requirements such that this could amount to a breach of the Code of Conduct.**
- 4. However, the Sub-Committee have considered Councillor Douglas' right to freedom of expression under Article 10(2) of the European Convention on Human Rights, and the relevant case law which identifies an enhanced level of protection for councillors engaging in political debate. They further concluded that it would not be justified in this instance to interfere with her right to freedom of expression.**
- 5. Therefore, whilst the Sub-Committee considers that Councillor Douglas' actions were not wise or helpful there was no breach of the Code.**

The Hearing Sub-Committee therefore determined to take no further action in respect of both complaints.

Reasons for Decision

- 1. In relation to the initial tests, the Sub-Committee were satisfied on the basis of the agreed facts that the Subject Member is a Member of Wiltshire Council, and that she was serving in her capacity as a Member of the Council for the duration of the meeting of the Salisbury Area Board on 4 November 2019. They were also satisfied that Wiltshire Council's Code of Conduct that applies to all Unitary Members of Wiltshire Council was in effect on 4 November 2019 and remains in**

effect at this time.

2. The Sub-Committee did not consider that it was appropriate to draw any adverse inference from the non-attendance of the complainants at the hearing. Further, their focus was upon the statement made by Councillor Douglas at the Area Board meeting, the content of which was agreed by the parties, rather than on any earlier statements attributed to her in the media.
3. Councillor Douglas did not explicitly refer to the Public Sector Equality Duty in her prepared statement but contended that she did give due consideration to it when making her deliberations, issuing her statement and voting on the grant application. The Sub-Committee noted her submission that she did not believe that funding a Pride Event would further the Council's duty to eliminate unlawful discrimination, victimisation and harassment, and would not create equality of opportunity or foster good relations among those with different protected characteristics. They also noted her submission that she voted against funding the Pride Event because of her opposition to the political message portrayed by it, and not the applicants' sexual orientation, and that it was her view that the council should not fund such campaigning events.
4. Therefore, taking this and all relevant circumstances into account, the Sub-Committee concluded, on a balance of probabilities, that the Subject Member had given due regard to the Public Sector Equality Duty in this instance. In reaching this conclusion the Sub-Committee was mindful of case law to which their attention had been drawn that established that it was not for them to determine if appropriate weight was given to the duty or to substitute their own views for those expressed by the Subject Member. [*R (Hurley & Moore) v Secretary of State for Business Innovation and Skills [2012]*]
5. The Sub-Committee considered the Subject Member's words and actions against the wider obligations of the Council's Code of Conduct, including the general duty on Members to promote and support high standards of conduct when serving in their public post, and, more specifically, the obligation under the Code to have regard to:
 - the principles of selflessness; integrity; objectivity; accountability; openness; honesty and leadership;
 - the Roles and Responsibilities of Wiltshire Councillors in Part 11 of the Council's Constitution.
6. The Sub-Committee noted the Subject Member's observations on the above principles as read out in her statement to the hearing, and as set out in paragraph 33 of her representative's submissions. However, the Sub-Committee were not satisfied that Councillor Douglas had in this instance acted in accordance with the principles of public life in relation to:
 - Selflessness - holders of public office should act solely in terms of the public interest.
 - 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;

7. The Sub-Committee considered that Councillor Douglas had allowed her strong and genuinely held personal views on the matter to pervade her public decision making to the extent that her ability to act solely in the public interest was or was perceived to have been compromised. Further, by her actions, including particularly the pre-prepared statement she read out at the meeting, Councillor Douglas had demonstrated a lack of objectivity and, had, arguably, predetermined the matter.
8. In relation to Part 11 of the Constitution, the Sub-Committee considered that the Subject Member's actions on this occasion:
 - Were not consistent with or conducive to her role as a community leader, which required her (amongst other things) to:
 - Mediate fairly and constructively between people and groups with conflicting needs (7.2.1);
 - Create effective partnerships with sections of the community (7.2.2);
 - Work with partners to build strong and cohesive communities with a long-term vision and direction (7.2.3);
 - Failed to demonstrate the personal skills required to fulfil the role of an effective Unitary Member in relation to:
 - The ability to set aside own views and act impartially (8.1.4);
 - Good awareness of equality and diversity issues (8.1.5);
9. Accordingly, the Sub-Committee considered that Councillor Douglas' words and actions on 4 November 2019 had been unwise and unhelpful and could amount to a breach of the Code of Conduct.
10. However, before making a final determination the Sub-Committee was obliged to consider whether a finding of such a breach would be compatible with the Human Rights Act 1998 and, in particular, the Subject Member's right to freedom of expression under Article 10 of Schedule 1 to the Human Rights Act 1998.
11. Article 10 provides:

Article 10
Freedom of expression

1. *Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.....*
2. *The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic*

society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

12. The Sub-Committee recognised that the right to freedom of expression is a crucially important right in a democratic society and may only be interfered with where there are convincing and compelling reasons within Article 10(2) justifying interference. Any restriction of this right had to be lawful, necessary and proportionate.

13. The Sub-Committee noted the principles established under case law, including those helpfully set out by Mr Justice Hickinbottom in *Heesom v Public Service Ombudsman for Wales* [2014] 4 All ER 269 where a councillor's right to free speech was considered in some detail. These were summarised at paragraph 66 of the investigating officer's representatives written submissions and the following were found to be of particular relevance:

a) While freedom of expression is important for everyone, it is especially so for an elected representative of the people. He represents his electorate, draws attention to their preoccupations and defends their interests.

b) The enhanced protection applies to all levels of politics, including local.

c) Article 10 protects not only the substance of what is said, but also the form in which it is conveyed. Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated.

e) The protection goes to "political expression"; but that is a broad concept in this context. It is not limited to expressions of or critiques of political views, but rather extends to all matters of public administration and public concern including comments about the adequacy or inadequacy of performance of public duties by others.

14. Recognising, therefore, the enhanced protection afforded to councillors engaging in political debate, and being cognisant of their finding that Councillor Douglas had on a balance of probabilities satisfied the Public Sector Equality Duty, even if they did not share her views, the Sub-Committee concluded, on balance, that interference with Councillor Douglas' right to freedom of expression by a finding of a breach of the Code and sanction was not justified in this instance.

Resolved:

Accordingly, for the reasons given above, there was no breach of the Code.

Duration of meeting

13.30 pm – 13.50 pm on 23 September 2020

12.30 pm – 16.45 pm on 2 November 2020

16.30 pm – 16.35 pm on 6 November 2020

The Officer who has produced these minutes is Kieran Elliott of Democratic Services,
direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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Wiltshire Council

Standards Committee

4 February 2021

Code of Conduct Complaints - Status Report

Statutory Background

1. All local authorities are required, by s.28 Localism Act 2011, to adopt a code of conduct for their members. All such codes are required to cover the following:
 - The principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership
 - The registration and disclosure of pecuniary and other interests
2. Wiltshire Council, as a principal authority, is required to have in place arrangements for investigating and determining allegations that a member of the Council, or a member of a parish council within the council area, has failed to comply with the relevant Code of Conduct.

Council Structure and Procedures

3. Wiltshire Council's arrangements for considering complaints about alleged code of conduct breaches are now set out in Protocol 11 to the Constitution, the procedure having changed with effect from 1 January 2020.
4. On receipt of such a complaint the Monitoring Officer will consider the complaint and prepare a report for the Assessment Sub-Committee. The Monitoring Officer may at this point decide not to take any further action on a complaint where, on the available information, it appears to be trivial, vexatious, malicious, politically motivated or 'tit for tat', and it would not be in the public interest, including particularly the efficient use of resources, to proceed.
5. All valid code of conduct complaints are now determined by the Assessment Sub-Committee, following receipt of the report from the Monitoring Officer. The assessment sub-committee may conclude that no further action should be taken, it may refer the complaint for investigation, or it may recommend that an alternative resolution be explored with the parties.
6. If the sub-committee determine that a formal investigation should be undertaken, an Investigating Officer is appointed by the Monitoring Officer. If the recommendation of the Investigating Officer is that there has been a substantial breach of the Code of Conduct, and that alternative resolution is not appropriate, then the Monitoring Officer, after consultation with the Independent Person, will refer the matter to a Standards Hearing Sub-Committee.
7. This committee will conduct a hearing into the complaint to determine whether there has been a breach of the Code and, if so, what sanctions, if any, should be applied to the Subject Member (the councillor who is the subject of the complaint). If the Subject Member is a member of a town or parish council, the Hearing Sub-Committee's decision regarding sanctions will be in the form of a recommendation to the relevant council. There is no right of review of the assessment carried out by the Assessment Sub-Committee.

8. The Standards Committee has oversight of the operation of the procedures for dealing with Code of Conduct complaints as well as a general responsibility to promote and maintain high standards of conduct by elected and co-opted members and officers.

9. Summary of Committee Meetings

In line with other committees of the council, during the coronavirus situation meetings of the Standards Committee and Assessment sub-committees have taken place online. Since the last online Standards Committee meeting on 7 October 2020 there have been four online meetings of the Standards Assessment sub-committee. There has also been one online meeting of the Standards Review Sub-Committee and one online meeting of the Standards hearing Sub-Committee. The outcome of these meetings was as follows:

Standards Assessment Sub Committee

- 21 October 2020 – Two matters determined as No Further Action;
- 19 November 2020 – Five matters were determined No Further Action and one matter was referred for Investigation;
- 15 December 2020 – Six matters were determined No Further Action and one matter was referred for Investigation;
- 21 January 2021 – One matter was determined No Further Action in line with the Monitoring Officer's recommendation and one decision of the Monitoring officer to resolve by alternative resolution was noted.

Standards Review Sub-Committee

- 10 December 2020 – One matter was considered. The committee reviewed the Monitoring Officer's decision to uphold the finding of the Investigating Officer's that there had been no breach of the code of conduct. The committee decided to refer the complaint for hearing by the Hearing Sub-Committee.

Standards Hearing Sub-Committee

- 23 September 2020 (heard on held on 23 September 2020, 2 November 2020 and 6 November 2020) – Two related matters were heard, and the committee determined to take No Further Action in respect of both complaints.

10. Summary of complaints received since last committee meeting (some of which will have been included above)

Between 21 September 2020 and 27 January 2020, the Monitoring Officer received 24 complaints under the Code of Conduct. A summary of the number of cases received each month is attached at **Appendix 1**.

11. Of the 24 cases received 3 were discontinued as they it did not amount to complaints, 12 were determined as No Further Action and 2 were referred for investigation. 7 cases are pending.

Determinations

- I. Matters determined by Monitoring Officer under Paragraph 4.6 (trivial, vexatious, malicious or politically motivated)

In the period since the last meeting six matters have been so determined by the Monitoring Officer or his representatives.

II. No Further Action

In the period since the last meeting, the Assessment sub-committee have determined that no further action be taken on 6 matters (4 from September and 2 from November).

III. Investigations

In the period since the last meeting, the Assessment Sub-Committee have determined that 2 investigations take place (from complaints received in October).

12. Members should also note that out of a total of sixty-seven complaints received between January 2020 and January 2021 eighteen have been resolved by the new screening process under 4.6. This amounts to 26.86 % of complaints. A further 14 have been withdrawn, discontinued or have not amounted to Code of Conduct complaints.

Types of Complaint

13. The complaints received since September 2020 all allege some form of inappropriate behaviour and cover a number of issues such as failing to declare an interest, misrepresenting council policy, or not acting in accordance with the council's standing orders and Financial regulations (and thereby breaching the Nolan principle of not promoting high standards of conduct).

Proposal

14. The Committee are asked:
 - a. To note the current position on Code of Conduct Complaints
 - b. To consider whether there is any further or different information that they would wish to see in future updates

Ian Gibbons, Monitoring Officer

Report Author: Paul Barnett, Acting Team Leader, Public Law and Compliance

Appendix 1 – Summary of Complaints

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Appendix 1

Monthly Code of Conduct Cases 2020

	Cases received	Assessed by Assessment Sub Committee - Investigation	Assessed by Assessment Sub Committee - no further action	Alternative Resolution/complaint withdrawn	Pending assessment by Assessment Sub Committee (*assessed & decision notice being Finalised)	Other	Complaints Determined by MO under Paragraph 4.6
January	4	0	0	1	0	0	3
February	4	0	0	1	0	1	2
March	2	2	0	0	0	0	0
April	5	2	0	2	0	0	1
May	3	2	0	1	0	0	0
June	5	1	3	0	0	0	1
July	4	0	2	0	0	1	1
August	10	0	6	3	0	0	1
Sept	12	0	5	0	1	3	3
Oct	6	2	0	0	0	0	4
Nov	4	0	2	0	0	1	1
Dec	3	0	0	0	2	0	1

Monthly Code of Conduct Cases 2021

	Cases received	Assessed by Assessment Sub Committee - Investigation	Assessed by Assessment Sub Committee - no further action	Alternative Resolution/complaint withdrawn	Pending assessment by Assessment Sub Committee (*assessed & decision notice being Finalised)	Other	Complaints Determined by MO under Paragraph 4.6
January	5	0	0	0	5	0	0

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Wiltshire Council

Standards Committee

4 February 2021

Corporate Complaints - Update

Purpose

1. To update the Standards Committee on corporate complaints and ongoing work in developing the council's arrangements for dealing with complaints.

Background

2. Under paragraph 2.5.6 of Part 3 of the Council's Constitution the Standards Committee is responsible for overview of corporate complaints handling and Ombudsman investigations.
3. The Council's Corporate Complaints Procedure is set out in Protocol 6 of the Council's Constitution.
4. As well as the Corporate Complaints Procedure the Council has to follow the statutory complaints procedures laid down in respect of child and adult care.
5. The current Corporate Complaints Procedure involves a two-stage process where the first stage is dealt with by the service providing a written response.
6. The second stage is normally only engaged if a complainant remains unhappy with the service response and is designed to provide an independent of service investigation and corporate response on behalf of the Council.
7. However, on some occasions a complaint may be considered at stage two without first having progressed through stage one if the circumstances require it e.g. due to urgency, seriousness of the complaint or other exceptional reasons.
8. An outline of the complaints processes is attached at Appendix 1.

Main Considerations

9. There is a strong culture operating in the Council of acting to the highest standards. This is rooted in the behaviours expected of councillors and staff and upheld by the senior leaders.
10. The number of complaints received under the Corporate Complaints Procedure has fallen from previous years with 459 in 2019/20 (compared to 588 in 18/19, 624 in 17/18 and 671 in 16/17). In 2019/20 320 complaints were dealt with at Stage 1 of the corporate procedure with 76 being dealt with at Stage 2.
11. There were 2 complaints dealt with under the Children's Services statutory procedure at Stage 1, and one at Stage 2. 60 complaints were dealt with through the Adult Care statutory procedure.
12. The 5 services with the highest number of complaints - Children's Services; Adult Social

Care; Housing; Development and Building Control; and Waste Management - remain largely consistent from the previous reporting year with a continued overall decrease in the number of complaints across all 5 services over the past 4 years.

13. Work is ongoing with service representatives to identify trends and learning from complaints within their respective areas. Arrangements for reporting these to senior managers and through to Members are under review.

Local Government and Social Care Ombudsman

14. The Local Government and Social Care Ombudsman Annual Review letter for 2019/2020 may be found at [Council performance - Local Government and Social Care Ombudsman](#). The Ombudsman produces this each year and it provides a summary of the complaints made to the Ombudsman's Office in relation to Wiltshire Council.
15. The total number of complaints and enquiries referred to the Ombudsman in 2019-2020 was 88 compared with 103 in the previous year. Children Services, Planning and Development Control and Adult Care Services constitute the majority of complaints which progressed to the Ombudsman.
16. Of the 88 matters received by the Ombudsman, 37 were subject to detailed investigation, compared with 19 the previous year.
17. Of the 37 that were subject to detailed investigation 19 (51%) decisions were upheld (i.e. finding of fault by the Council), whilst 18 were not upheld. This is in line with the previous year, where of the 19 matters investigated 10 (53%) were upheld and 9 were not, and is below the average of similar authorities, which is 56%.
18. It should be noted that the Ombudsman expressed disappointment in his letter regarding delay in completing remedies within agreed timescales in some cases and delay in responding to enquiries. A review has been undertaken to identify the reasons for delay and the Council is committed to ensuring improvements in timeliness of responses in the future.
19. In all cases the Ombudsman was satisfied that the council had successfully implemented its recommendations, compared to the national average of 99%.

Impact of Covid-19 Pandemic

20. Following the announcement of the lockdown in March 2020 staff moved to remote working and have been working this way through to the present.
21. As the system for raising complaints has not altered and email, phone and receipt of hard copy were and are still able to be actioned there has been no effect on the public's ability to raise a complaint.
22. The level of complaints did drop slightly at the start of the lockdown but within a short time returned to the normal level of complaints received.
23. In March 2020, to assist Council's dealing with the response to the pandemic, the Local Government and Social Care Ombudsman took the decision to suspend receiving new

referrals and to requiring councils to respond on existing referrals. This suspension remained in place until early June 2020.

24. The suspension by the Ombudsman did help the Council to manage resources at the start of the pandemic as it meant that service areas were not placed under the same requirements to provide time limited responses. However, it did create a backlog which needed to be dealt with when the suspension was lifted. This backlog was managed within existing resources and has now been cleared with little effect on the overall service to the Council's residents.
25. Complaints that relate to emergency service provision in response to the pandemic has been limited, indicating public recognition of the emergency work that the Council is providing is of a high standard and appreciated and that any issues that are developing are being successfully managed.
26. Whilst there has been no marked increase in the number of complaints during the pandemic there has been a noticeable increase in anxiety, and in some instances aggression, in communications from some complainants during this period. This is likely to have been caused by the uncertainties and insecurity that the pandemic is bringing to the community at large. This is being managed by staff understanding the issues and providing as much reassurance as possible to those concerned. It is also being monitored to ensure appropriate oversight is available if required.

Future Developments

Change in services

27. In December 2020 Maria Doherty was appointed to the new role of Head of Democracy and Governance and Deputy Monitoring Officer (Governance). Frank Cain continues to act as Deputy Monitoring Officer (Legal). This provides greater capacity and support to the Monitoring Officer function.
28. As part of the development of this role it is proposed that the complaints and governance officers who support both Corporate and Code of Conduct complaints will transfer from the Legal Services team to the Democracy and Governance team on 1 April 2021.
29. This proposed move will provide the following benefits and synergies:
 - It will bring together under one team Members' registrations for Unitary Councillors (currently with the democracy team) and those for Town/Parish Council Members which the Monitoring Officer has to oversee on behalf of Town/Parish Councils (which currently sit with the complaints function within legal services).
 - Closer working of governance officers with Democratic Services in respect of member complaints which now go through assessment and hearing sub-committees.
 - Closer working between corporate complaints and overview and scrutiny to provide awareness of any complaints trends that may warrant review.
30. The proposal will also allow better separation between legal advisors who may have to provide an independent legal view on an issue which is being raised within a complaints context.

Corporate Complaints Procedure Review

31. The Complaints Procedure at Protocol 6 of the Constitution is due for review and it is proposed as part of that review that a model corporate complaints procedure for local authorities, which is recommended by the Local Government and Social Care Ombudsman, is considered.
32. The model code is similar to the Council's current two stage process but the first stage has more emphasis on informality and resolution and whilst stage two is still a formal response by the Council, it is geared towards the relevant service providing the response with the complaints officer providing more of an independent advisor role.
33. There may be some benefits in considering this approach namely:
 - By focusing on resolution it will minimise the number of complaints that will need to progress to stage two and those that progress through to the Ombudsman.
 - It removes some duplication. Sometimes a stage two response will merely mirror the stage one response.
 - The service already has the facts and this avoids duplication of the investigator having to seek that information and the service having to provide it. However, having an independent specialist advisor will ensure that all issues are considered from a corporate perspective and critical issues are identified and addressed.
 - By having the service directly involved in both stages it means that any lessons to be learnt are embedded within the service and corporately from the outset. It also ensures that the complaints team provide the corporate oversight necessary to ensure that the complaints are progressed in a timely fashion and any lessons learnt are embedded within the service and for wider dissemination in the council as required.
 - It frees up the specialist complaints officers to deal with the Ombudsman referrals, statutory child and adult care complaints, which must be carried out by an officer who is independent of the service, and Code of Conduct investigations which has increased in the past year and has necessitated on occasions referral to an independent consultant due to capacity issues.
34. It is proposed that the revised Complaints Procedure is taken through the Constitution Focus Group and that a report with their recommendations is brought to the Standards Committee at the earliest opportunity.

Proposal

35. The Standards Committee is therefore asked:
 - a. To note the current position on Corporate Complaints and Ombudsman investigations, and the proposed transfer of the complaints function to the Democracy and Governance Service.
 - b. To note the review of the Complaints Procedure in Protocol 6 of the Constitution and to agree that the proposed new procedure is referred to the Constitution Focus Group for consideration and report to the Standards Committee.

Ian Gibbons
Monitoring Officer

Report Author:

Frank Cain Head of Legal Services / Deputy Monitoring Officer (Legal)

Appendix 1 –Summary of Complaints Processes

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Appendix 1

Complaints Process Summary

1. In addition to operating the Council's Corporate Complaints procedure, the Complaints Team also co-ordinates the procedures for investigating complaints under:
 - Children Act 1989;
 - The Children Act 1989 Representations Procedure (England) Regulations 2006;
 - Children (Leaving Care) Act 2000;
 - Adoption and Children Act 2002;
 - Health and Social Care Acts 2003; and the
 - Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

2. Such complaints are dealt with by the respective service teams under the Children's Services statutory complaints procedure, and the Adult Social Care statutory complaints procedure.

3. The purpose of the various complaint procedures is to ensure that:
 - There is a simple and effective way of raising a complaint;
 - Complaints are dealt with fairly and consistently;
 - The process encourages an open and transparent environment that people trust and engage with;
 - The complainant receives a comprehensive response within stated timescales;
 - The views and experiences of people who use Council services are heard, ensuring the organisation remains focused on the customer;
 - The organisation learns from complaints and seeks improvements to service provision and working practices.

Children's Service Statutory Procedure

4. Social Care complaints which concern the care of children and young people are co-ordinated by the complaints team but managed by the service through the three stage statutory complaints procedure:
 - **Stage 1 – Local Resolution** - where possible, the aim is to resolve complaints satisfactorily at this stage;

- **Stage 2 – Investigation** – where local resolution is not possible the complainant can request consideration of the complaint at Stage 2. Consideration of complaints at Stage 2 is normally achieved by an investigation conducted by an investigator and an independent person;
- **Stage 3 – Review Panels** - The final stage of the procedure involves an independent Review Panel. The Review Panel considers unresolved issues, with both parties being given the opportunity to put forward their respective cases. The investigating officer and independent person attend to answer any outstanding questions. The Review Panel deliver their findings and the Service Director will write to the complainant within 15 working days, with their comments and any action to be taken.

Adult Social Care Statutory Procedure

5. The Adult Social Care statutory procedure for dealing with complaints is a single stage process operated by the service, which concentrates on working with the individual to understand the nature of their complaint and agreeing a timescale within which to provide a response. Wherever possible the process should be undertaken within 20 working days although an extension can be requested where appropriate.
6. The Complaints team co-ordinates initial complaints and works with the service to ensure complaints are acknowledged and dealt with in a timely way.

Corporate Complaint Procedure

7. The Corporate Complaint Procedure is a 2-stage process:
 - At Stage 1 the complaint is dealt with by the relevant service team. This affords the service team an early opportunity to respond to and address any misunderstandings or breakdown in communication. Where the Stage 1 process fails to resolve the complaint, it can then be progressed to stage 2;
 - At Stage 2 the Complaints Team provides an investigation of the complaint independent of the service;
8. Where matters are not resolved under the above procedures, the Local Government and Social Care Ombudsman remains the final recourse for redress apart from the Courts.

Accessing the Complaints Procedures

9. The Council's website contains information on how to make a complaint. Information is given on the different complaints procedures adopted within the Council.

10. Complaints can be made via telephone call, e-mail, letter or by completing an online form. The method of contact used to make a complaint is logged on the complaints case management system. This allows the collection of data as to the methods preferred by service users and helps ensure that the process is easily accessible to users.

Advocacy and Support Services

11. Advocacy services for children and young people are delivered externally by County Community Projects (CCP). This organisation offers an advocacy function to children and young people to ensure that their views are heard and that they are able to make a complaint about the service they have received.

12. This service can be accessed in a number of ways. The young person / parent or carer can refer themselves directly to the service, a social worker can make the request directly or the Complaints Team can make the referral on behalf of the child or young person. Contact details are available from the Complaints Team or by accessing the [Advocacy Services](#) page on the council's website.

13. For adults seeking independent support and guidance on making a complaint in any of the Council's other service areas, they will be referred to The Advocacy People who provide an advocacy service in Wiltshire for people who do not have anyone they already know who can support them.

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Wiltshire Council

Standards Committee

4 February 2021

Appointment of Co-opted Members of the Standards Committee

Purpose of Report

1. To ask the Standards Committee to review the role, number and arrangements for the appointment of non-voting co-opted members to the Committee and make such recommendations as it considers appropriate to Council at its Annual Meeting on 18 May 2021.

Background

2. The terms of reference for the Committee as detailed at **Appendix A** provide for the appointment of up to 8 non-voting co-opted members, 50% of whom must be serving town, parish or city councillors from within the Council's area who are not councillors or officers of the Council.
3. In May 2013 and May 2017 Council resolved that four non-voting co-opted members should be appointed for the remainder of the council term and delegated the appointment of those members to the Standards Committee.
4. Following a selection process overseen by the Standards Committee four non-voting co-opted members were appointed at the meeting of the Committee on 18 April 2018 – Mr Richard Baxter; Miss Pam Turner; Mr Michael Lockhart and Mr Philip Gill MBE.
5. A number of other authorities in the South West appoint non-voting co-opted members to their Standards Committee, for example:
 - Cornwall Council - 18 Member committee (8 unitary councillors, 4 independent lay members, 5 town and parish councillors and 1 employed parish clerk);
 - Swindon Borough Council – 17 Member committee (13 councillors, 2 independent members, 2 parish representatives. 2 Independent Persons as observers not members)
 - Bath and North East Somerset – 11 Member committee (5 councillors, 3 independent members one of whom will chair, 3 parish representatives. 2 Independent Persons as observers not members)
 - Bournemouth Christchurch and Poole – 10 Member committee (7 councillors, 3 independent members)

Main Considerations

6. Co-opted members provide valuable input to the work of the Standards Committee, enhancing objectivity, both real and perceived, and providing common sense and sound judgment and a parish council perspective on matters involving parish and

town councillors.

7. As well as attending meetings of the Standards Committee non-voting co-opted members may serve on Assessment, Hearing and Dispensation Sub-Committees. Co-opted members may also attend the Constitution Focus Group but have not been appointed at this time for all such meetings.
8. Since the appointment of the current co-opted members in April 2018 there have been 10 meetings of the Standards Committee, 18 Review Sub-Committees (under the pre-2020 arrangements); 1 Hearing Sub-Committee, 7 Assessment Sub-Committees and 14 meetings of the Constitution Focus Group.
9. Under the current arrangements for dealing with Code of Conduct complaints adopted with effect from January 2020, it is anticipated that there will be 10-12 Assessment Sub-Committees per year, or 40-48 per council term, each to be attended by up to 2 of the co-opted members.
10. As co-opted members must include at least 50% serving town, city or parish councillors, arrangements for the selection and confirmation of appointments will take place after elections scheduled for 6 May 2021.
11. In order to avoid delay in the appointment of non-voting co-opted members it is recommended that the Committee requests Council at its meeting on 23 February 2021 to delegate arrangements for the appointment of co-opted members to the Standards Committee with the selection process delegated to the Monitoring Officer, in consultation with the Chairman of the Standards Committee. This would include convening a selection panel to interview applicants.
12. The Monitoring Officer would therefore be able to begin advertisement for the positions in advance of the elections in May 2021 with councillors, clerks and the public so that non-councillor candidates can be shortlisted and to enable candidates for election to be aware of the positions becoming available. Where the election is uncontested, it would enable those who would become councillors to indicate if they wished to apply for the co-opted member positions.
13. The advertisement would then be recirculated after the elections to determine which further serving councillors wished to apply for the positions.
14. Interviews and appointment could then take place around July 2021.

Safeguarding Implications

15. There are no safeguarding issues arising from this report.

Equalities Implications

16. There are no equalities impacts arising from this report.

Risk Assessment

17. There are no significant risks arising from this report

Public Health Implications

18. There are no public health impacts arising from this report.

Environmental Implications

19. There are no environmental impacts arising from this report.

Workforce Implications

20. There are no workforce implications arising from this report.

Financial Implications

21. The allowance for a non-voting co-opted member on the Standards Committee is currently £1,262 per year, as approved by Council on 10 July 2012. Therefore, the total annual cost for the four co-opted members has been £5,048.

22. This allowance is subject to review by the Council after considering any recommendations of the Independent Review Panel.

Legal Implications

23. The Council has a discretion under the Localism Act 2011 to establish a standards committee to discharge its duty to promote and maintain high standards of conduct of elected and co-opted members and a further discretion to include non-voting co-opted members on any committee so established.

Recommendation

24. The Standards Committee is therefore asked to consider recommending to Council:

- a. whether it wishes to retain the role of non-voting co-opted members on the Standards Committee; and, if so,
- b. how many non-voting co-opted members should be appointed within the maximum of 8 provided for in the Committee's terms of reference;
- c. subject to a. and b. above, to delegate the appointment of any non-voting co-opted members to the Standards Committee and the arrangements for selection of such members to the Monitoring Officer in consultation with the Chairman of the Standards Committee.

Ian Gibbons

Director, Legal and Governance (and Monitoring Officer)

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Appendices

Appendix A - Terms of reference of Standards Committee

Background Papers

None

2.5 Standards Committee

Composition

- 2.5.1 This Committee will comprise up to 13 elected Members, other than the Leader or any other Member of the Cabinet, and up to 8 co-opted non-voting Members, 50% of whom shall be serving town, parish or city Members from within the Council's area who are not Members or officers of the Council.
- 2.5.2 Appointments to the Committee will be made annually by the Council having regard to the rules on political proportionality.
- 2.5.3 The term of office for co-opted non-voting Members will normally be 4 years.
- 2.5.4 Co-opted non-voting Members will be eligible for re-appointment for a second term.
- 2.5.5 Substitutes will be permitted in accordance with Part 4 of the Constitution.

Roles and Function

- 2.5.6 The Standards Committee is responsible for:
- promoting and maintaining high standards of conduct by elected and co-opted Members and officers;
 - assisting the elected and co-opted Members to observe the Members' code of conduct;
 - advising the Council on the adoption or revision of the Members' code of conduct and the arrangements for dealing with Member complaints of misconduct which the Council is required to make under Section 28 of the Localism Act 2011;
 - monitoring and advising the Council about the operation of its code of conduct in the light of best practice and any changes in the law;
 - advising, and, through the Member Development Group, arranging to train elected and co-opted Members on matters relating to the Members' code of conduct and ensuring that Members are aware of the standards expected of them under the code;
 - granting dispensations to elected and co-opted Members from requirements relating to interests;
 - overseeing the operation of the Council's arrangements for dealing with misconduct complaints against Members and co-opted Members of Wiltshire Council, and parish, town and city Members in Wiltshire;
 - overview of the whistle blowing policy;
 - overview of corporate complaints handling and Ombudsman investigations;
 - reviewing the implementation of recommendations made by the Ombudsman;
 - oversight of the Constitution.

Standards Sub-Committees

2.5.7 The Standards Committee has the power to appoint such sub-committees as may from time to time be necessary for the efficient discharge of its functions. In particular, the Committee will appoint:

- An Assessment Sub-Committee to determine what action to take in respect of Member complaints under the Council's arrangements;
- A Hearing Sub-Committee to determine Member misconduct complaints under the Council's arrangements;
- A Dispensation Sub-Committee to determine requests for dispensation from the requirements relating to interests.

2.5.8 For the avoidance of doubt decisions of the Sub-Committees will be made by a simple majority of the elected Members present.

Assessment Sub-Committee

2.5.9 As it shall consider multiple complaints this Sub-Committee shall comprise 5 elected Members from among the Standards Committee and its substitutes, in case of conflicts arising. The Standards Committee will appoint the members annually, along with a Chairman and Vice-Chairman for the Sub-Committee. The Sub-Committee may include up to 2 non-voting co-opted Members of the Standards Committee on an ad-hoc basis. All other members and substitutes of the Standards Committee will serve as substitutes for the Sub-Committee.

2.5.10 The above Sub-Committee is not subject to the requirements of political balance but is subject to a requirement of a maximum of 4 elected Members from any political group. The co-opted members serving on the Sub-Committee will be determined by the proper officer, who in this instance would be a Democratic Services Officer on behalf of the Monitoring Officer.

2.5.11 The above Sub-Committee shall meet on a monthly basis and make decisions on all Code of Conduct complaints in accordance with the Council's arrangements under [Protocol 11](#).

2.5.12 Members, including co-opted members, may not serve on the Hearing Sub-Committee for a complaint they have previously considered on the Assessment Sub-Committee

Hearing Sub-Committee and Dispensation Sub-Committee

2.5.13 In each case the above Sub-Committees shall comprise 3 elected Members from whom a chairman will be elected. The Sub-Committee may include 2 non-voting co-opted Members of the Standards Committee.

2.5.14 The above Sub-Committees are not subject to the requirements of political balance but are subject to the requirement of a maximum of 2 elected Members from any political group. The composition of any sub-committee will be determined by the proper officer, who in this instance would be a Democratic Services Officer on behalf of the Monitoring Officer on the basis of Member availability, drawing from the Membership of the Committee and their substitutes.

2.5.15 The Hearing Sub-Committee shall make decisions where an investigation into a Code of Conduct Complaint makes a finding of a breach, in accordance with the Council's arrangements under Protocol 11.

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Wiltshire council

Standards Committee

4 February 2021

Local Government Association (LGA) Model Code of Conduct

Purpose

1. To ask the Committee to consider the LGA model code of conduct and decide what action the Committee wishes to take in respect of it.

Background

2. In accordance with the Localism Act 2011 all councils are required to have a local Member Code of Conduct. Although there is no national Code, bodies such as the LGA have produced model Codes for adoption by councils.
3. On 30 January 2019 the Committee on Standards in Public Life published a report on Local Government Ethical Standards, following a consultation in 2018.
4. The first recommendation of the 30 January 2019 report was that the LGA should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.
5. A consultation on a draft Model Code took place from 8 June 2020 – 17 August 2020. The draft Model Code of Conduct is included at **Appendix A**. The Committee at its meeting on 7 June 2020 delegated preparation of a response to the Monitoring Officer in consultation with the Chairman, to include seeking the views of Group Leaders.
6. That response to the consultation is attached at **Appendix B**.

Main Considerations

7. The LGA have published analysis of the consultation responses, available at [this link](#), summarising key results from the consultation responses they received.
8. The LGA subsequently approved a new model Code of Conduct in December 2020 as attached at **Appendix C**. This includes code provisions, guidance and the Committee on Standards in Public Life Recommendations on Best Practice.
9. It is recommended that the approved Code be referred to the Constitution Focus Group to review and come back with comments and recommendations to be considered by the Standards Committee.

Safeguarding Implications

10. There are no safeguarding issues arising from this report.

Equalities Implications

11. There are no equalities impacts arising from this report.

Risk Assessment

12. There are no significant risks arising from this report

Financial Implications

13. There are no financial implications arising from this report.

Legal Implications

14. Under Section 28(5) Localism Act 2011 the council may revise its existing code of conduct or adopt a code of conduct to replace its existing code of conduct.

Public Health Implications

15. There are no public health impacts arising from this report.

Environmental Implications

16. There are no environmental impacts arising from this report.

Workforce Implications

17. There are no workforce implications arising from this report.

Proposal

18. **To refer the updated Model Code to the Constitution Focus Group to review, and make comments and recommendations to the Standards Committee as appropriate.**

Ian Gibbons, Director of Legal and Governance (and Monitoring Officer)

Report author: Kieran Elliott, Senior Democratic Services Officer, 01225 718504,
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25 January 2021

Appendices

Appendix A – LGA draft Model Code of Conduct

Appendix B – Standards Committee response to Consultation

Appendix C – Approved LGA Model Code of Conduct

Background Papers

[LGA Model Code of Conduct Consultation Analysis](#)

[LLG Explanatory Note on the Model Code](#)

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.

As a councillor I commit to:

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.

Response of the Standards Committee to the LGA draft Model Code of Conduct Consultation 2020

This response is on behalf of the Standards Committee of Wiltshire Council, following consultation with political group leaders. It has not been possible to canvass the views of all Members of the council, however, group leaders have had the opportunity to make their members aware of the consultation to enable them to respond with more detail of their personal views if appropriate.

The Committee noted that the draft Model Code of Conduct is considerably more detailed than the current Code, and considered that examples of behaviours which might be a breach to clarify the meaning of specific sections was useful if such a detailed Code were to be adopted.

The Committee did not have a consensus view on the desirability of adopting such a detailed Code versus the current light touch model Code, with some members in favour of such an approach and some opposed. However, it did wish to highlight for the purposes of the consultation a number of elements to the draft Model Code which needed to be very carefully considered or worded if they were to be included in any model Code.

In particular, some though not all members raised concerns over the inclusion of sections on civility and not bringing a council into disrepute. In particular, they queried whether explanatory wording might discourage the submission of trivial complaints during political discourse which, by its very nature, could be robust or involve passionate disagreement, including of an authority's current policies or political direction. However, others considered those sections reasonable inclusions noting that civil debate was generally practiced, and that inaccurate accusations could bring a council into disrepute. There was also debate on the section relating to when the Code would apply, and the descriptions of when someone was deemed to be representing their authority.

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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/it's 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 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 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 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.
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 friend, relative, close associate; or
 - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

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 **affects** your 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 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.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

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. [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

	<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 has 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 Registerable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none">a) any body of which you are in general control or management and to which you are nominated or appointed by your authorityb) any body<ul style="list-style-type: none">(i) exercising functions of a public nature(ii) any body 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)

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.

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