

STANDARDS AND ETHICS COMMITTEE

**Venue: Virtual Meeting via
Microsoft Teams**

**Date: Thursday, 19 November
2020**

Time: 2.00 p.m.

A G E N D A

1. Apologies for absence

To receive the apologies of any Member who is unable to attend today's meeting.

2. Declarations of interest

To receive declarations of interest from Members in respect of items listed on the agenda.

3. Exclusion of press and public

Agenda Items 6 and 7 have exempt appendices. Therefore, if necessary when considering those items, the Chair will move the following resolution:-

That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

4. Minutes of the previous meeting held on 17th September, 2020 (herewith) (Pages 1 - 4)

To consider and approve the minutes of the previous meeting held on 17th September, 2020, as a true and correct record of the proceedings.

5. LGA Model Member Code of Conduct (herewith) (Pages 5 - 32)

To gain the Standards and Ethics Committee's views and comments on the LGA's second draft Model Code of Conduct.

6. Review of Complaints (herewith) (Pages 33 - 38)

To give consideration to a report updating the Committee on the Complaints received against Members of the Council, and Town and Parish Councillors alleging a breach of the Code of Conduct.

7. A Review of Concerns Raised Pursuant to the Whistleblowing Policy (herewith)
(Pages 39 - 43)


To give consideration to a report regarding concerns raised pursuant to the Whistleblowing Policy and the actions taken to address these matters.

8. Urgent Business

To determine any item which the Chair is of the opinion should be considered as a matter of urgency.

9. Date and time of next meeting

The next meeting of the Standards and Ethics Committee will take place on Thursday, 21st January, 2021 at 2.00 p.m.

A handwritten signature in black ink that reads "S. Kemp". The signature is written in a cursive, slightly slanted style.

S. KEMP,
Chief Executive.

STANDARDS AND ETHICS COMMITTEE**17th September, 2020**

Present:- Councillor McNeely (in the Chair); Councillors Clark, Cooksey, D. Cutts, Ireland, Sheppard, Simpson, Vjestica, Mr. R. Swann (Parish Council Representative) and also Mrs. A. Bingham and Mrs. M. Evers (Independent Members).

Also in attendance were Mr. P. Beavers and Mr. D. Roper-Newman (Independent Persons) at the invitation of the Chair.

Apologies for absence were received from Mr. D. Rowley (Parish Council Representative), Mrs. K. Penney and Mrs. J. Porter (Independent Members) and Mrs. B. Nahal (Monitoring Officer).

84. DECLARATIONS OF INTEREST

Councillor Ireland declared a personal interest in respect of agenda item 7 'Review of Complaints', on the grounds of his involvement in one of the items listed. He would withdraw from the meeting and not participate in any discussion.

85. EXCLUSION OF PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for (Agenda Item 7 (Consideration of Complaints) and Agenda Item 8 (Concerns raised pursuant to the Whistleblowing Policy) on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

86. MINUTES OF THE PREVIOUS MEETING HELD ON 18TH JUNE, 2020

Resolved:- That the minutes of the previous meeting held on 18th June, 2020 be approved as a true and correct record of the proceedings.

With regards to Minute No. 79 (Consultation on the Model Code of Conduct) it was noted that the survey was completed and submitted within the appropriate timeframe by the Monitoring Officer.

87. UPDATE ON IMPLEMENTATION OF CSPL BEST PRACTICE RECOMMENDATIONS

Consideration was given to the report which provided an update as to the Council's implementation of the best practice recommendations made by the Committee on Standards in Public Life in its Review of Local Government Ethical Standards.

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Many of the CSPL recommendations required primary legislation; the implementation of which had been subject to Parliamentary timetabling and, as a result of the current situation, had largely not been implemented.

The review also included a list of best practice recommendations, many of which were already in place in the Council, and some required further implementation. The CSPL indicated they intended to review the implementation of their best practice recommendations in Autumn 2020.

Recommendations 1, 2 and 3, in relation to the Code of Conduct, were awaiting the finalisation of the LGA model Code of Conduct, a draft of which was brought to the previous meeting of the Standards and Ethics Committee meeting and about which a consultation response was submitted.

In order to implement Best Practice Recommendation 13, a minor amendment to the Standards and Ethics Committee Complaints Procedure was, therefore, required. The recommendation stated “A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.”

The Council already had such procedures in place and had utilised Monitoring Officers from different authorities to undertake investigations when necessary. However, to formalise this procedure, a minor amendment to the Standards and Ethics Committee Complaints Procedure was now proposed to include the following sentence at paragraph 7 of the Complaints Procedure: “If both of the Monitoring Officer and the Deputy Monitoring Officer have a conflict of interest in dealing with a complaint, the Council will ask that a Monitoring Officer from another Authority deal with that complaint and undertake the investigation if necessary.”

The Committee were advised, when a question was raised about the timeframes for the model Code of Conduct by the LGA, was likely to be towards the end of the year, but this was subject to confirmation. However, the Chair and Vice-Chair were participating in a webinar on the very same subject this evening and would seek guidance on this issue.

Resolved:- (1) That the implementation of the CSPL best practice recommendations as set out at Appendix 1 be noted.

(2) That the amendment to the Standards and Ethics Committee Complaints Procedure as set out at paragraph 2.6 be approved.

88. GUIDANCE ON EQUALITIES FOR MEMBERS

The Deputy Monitoring Officer was invited to provide an update on the proposals and arrangements for Equalities Training for all Elected Members.

Examples of what the training would cover, particularly social media and conduct during online meetings, were highlighted and other suggested inclusions were welcomed.

As part of the discussion about how best to take this training forward the importance of the subject matter was emphasised. It was also suggested that this be made in some way mandatory as this would meet the Public Sector's equality duty in promoting equalities.

Whilst it was noted the training would be specifically aimed at Elected Members, consultation would take place with the relevant Cabinet Member on how this could be taken forward for the borough's Town and Parish Councils.

The Committee welcomed such an approach and looked forward to receiving details in due course.

Resolved:- (1) That the training be arranged and details shared with Elected Members.

(2) That consultation take place with the Cabinet Member for Cleaner Greener Communities on the delivery or sharing of training for Town and Parish Councils.

89. CONSIDERATION OF COMPLAINTS

Consideration was given to the report presented by the Deputy Monitoring Officer, detailing the progress with the handling of complaints relating to breaches of the Council's Code of Conduct for Members and Town and Parish Councillors. The report listed the current cases of complaint and the action being taken in respect of each one.

Reference was made to each related case and recommended outcomes/actions identified were highlighted.

Resolved:- That the report be received and the contents noted.

90. REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY

Consideration was given to the report and appendix presented by the Deputy Monitoring Officer, which provided an overview of the Whistleblowing cases which have been received over the past year.

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Particular reference was made to the appendix to the report which set out clearly the description of the concerns received and action taken.

Resolved:- That the Whistleblowing concerns raised over the previous year and the actions taken to address these matters be noted.

91. URGENT BUSINESS

The Chair advised that there were no urgent items of business requiring the Committee's consideration.

92. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee be held on Thursday, 19th November, 2020, commencing at 2.00 p.m.

Public Report
Standards and Ethics Committee

Committee Name and Date of Committee Meeting

Standards and Ethics Committee – 19 November 2020

Report Title

LGA Model Member Code of Conduct

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

A report requesting the Standards and Ethics Committee's views and comments on the LGA's second draft Model Code of Conduct

Recommendations

1. That the Committee provides its views and comments on the LGA's second draft Model member Code of Conduct.
2. That the Monitoring Officer submit the Committee's views on the LGA's second draft Model member Code of Conduct to the LGA.

List of Appendices Included

Appendix 1 – LGA second draft Model Member Code of Conduct
Appendix 2 - Current members Code of Conduct

Background Papers

CSPL – Review of Local Government Ethical Standards

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Consultation on the LGA Model Member Code of Conduct

1. Background

- 1.1 Members will recall the Committee on Standards in Public Life report into Local Government Ethical Standards being reported to the Committee in March 2019. One of the recommendations of the report was that the LGA review the current model member code of Conduct, and prepare a model Member Code of Conduct.
- 1.2 As such the LGA held an event on Civility in Public Life with a range of stakeholders at the end of last year and three consultation workshops at the beginning of this year. Consultants which the LGA has retained have examined examples of good practice, both in local government and other professions and produced a draft model Member Code of Conduct which was reported to this Committee in June 2020. Members provided their views in respect of the draft model Code of Conduct and a consultation response was submitted subsequently on behalf of the Council, representing those views.
- 1.3 The LGA Consultation process on the draft Code ran for 10 weeks from Monday 8 June until Monday 17 August 2020 and consisted of:
 - Workshops of members and Monitoring Officers to discuss the approach and content of the revised Code
 - 4 webinars conducted with over 1000 participants
 - Over 1600 written responses to the consultation received.
 - Comments, questions and feedback provided during the webinar sessions
 - Stakeholder roundtable to discuss the response and next steps took place on 30.9.20
- 1.4 The second Draft model Code of Conduct has now been received following the above consultation process and is at Appendix 1. Members are asked for any further comments on this amended draft Model Code of Conduct, which can then be fed back to the LGA. It is anticipated that the LGA will then present the final version of this for sign-off to their Executive Advisory Board on 3 December 2020.
- 1.5 Once the final version of the Model Code of Conduct is available, it will be brought back to the Committee for consideration as to whether it should be adopted by the Council, and whether any amendments to the Model Code of Conduct would be appropriate.
- 1.6 The introduction to the draft model Code of Conduct, setting out the importance of the role of the Councillor and holding Councillors to account, as taken from the LGA website is set out below:

Local Government Association Model Member Code of Conduct

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.

- 1.6 For ease of reference, the Council's current Members Code of Conduct is attached at Appendix 2.

2. Key Issues

- 2.1 Key issues are set out above.

3. Options considered and recommended proposal

- 3.1 Recommendations are set out above.

4. Consultation on Proposal

- 4.1 The consultation process undertaken in respect of the Model Code of Conduct for Members is set out above.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The final version of the Model Code of Conduct for Members will be brought back to the earliest available meeting of the Standards and Ethics Committee.

6. Financial and Procurement Advice and Implications

6.1 Any work undertaken by Legal Services in dealing with this matter is within the budget for Legal Services.

7. Legal Advice and Implications

7.1 The Council and the Standards and Ethics Committee have a statutory duty to promote and maintain high standards of conduct. An appropriate Code of Conduct is an important part of complying with that duty.

8. Human Resources Advice and Implications

8.1 None.

9. Implications for Children and Young People and Vulnerable Adults

9.1 None.

10. Equalities and Human Rights Advice and Implications

10.1 None

11. Implications for Partners

11.1 None.

12. Risks and Mitigation

12.1 There is a risk that if the Council does not have an appropriate Code of Conduct, then public trust in local democracy could be undermined.

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services

Report Author: Stuart Fletcher, Deputy Monitoring Officer/Service Manager,
Legal Services
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This report is published on the Council's [website](#).

Local Government Association

Second Draft Model Councillor Code of Conduct

Introduction

Under review

Definitions

For the purposes of this Code of Conduct a “councillor” means a member or co-opted member of a local authority. 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 local authority, or;
- b) is a member of, and represents the local 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. 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 obligations in relation to standards of conduct. The overarching aim is to create and maintain public confidence in the role of councillors and local government.

In addition to this Code, everyone in public office at all levels – such as ministers, civil servants, members, local authority 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.

Application of the Code of Conduct

The Code of Conduct applies to you as soon as you sign your declaration of acceptance of office of councillor and continues to apply to you until you cease to be a councillor.

You are expected to uphold high standards of conduct and show leadership at all times. The Code of Conduct applies to you when you are acting in your capacity as a member or representative of your local authority and applies to all forms of councillor communication and interaction. This includes at meetings, whether face-to-face or

online, as well as written, verbal, non-verbal, electronic and social media communication.

You are also encouraged to follow the Code at all other times where you use your position as a councillor.

General principles of councillor conduct

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

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

In undertaking my role, I:

- impartially exercise my responsibilities in the interests of the local community
- do 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 in accordance with my local authority's requirements and in the public interest

Standards of councillor conduct

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

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

General Conduct

1. *Respect*

As a councillor I:

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

1.2 treat authority employees, employees and representatives of partner organisations and those volunteering for the 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 its elected representatives.

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

2. *Bullying, harassment and discrimination*

As a councillor I:

2.1 do not bully any person.

2.2 do not harass any person.

2.3 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 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 I:

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

4. Confidentiality and access to information

As a councillor I:

4.1 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 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 do not prevent 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 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 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 I:

5.1 do not bring my role or 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 your 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 authority into disrepute.

6. *Use of position*

As a councillor I:

6.1 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 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 I:

7.1 do not misuse council resources.

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

- a. act in accordance with the 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 authority or of the office to which the member has 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.

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 authority's own policies.

8. *Complying with the Code of Conduct*

As a councillor I:

- 8.1 attend any Code of Conduct training provided by my authority.**
- 8.2 cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 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 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 undermining public trust in the authority or its governance.

Protecting your reputation and the reputation of the authority

9. *Interests*

As a councillor I :

9.1 Register and declare my interests.

You need to register your interests so that the public, 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 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 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 declare a disclosable pecuniary interest is a criminal offence under the Localism Act 2011.

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

10. *Gifts and hospitality*

As a councillor I:

- 10.1 Do not accept gifts or hospitality 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 authority or from persons who may apply to the authority for any permission, licence or other significant advantage.**
- 10.2 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 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 reputation and the reputation of the 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 although 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.

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 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.

Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the authority 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.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.
4. A sensitive interest is defined in the Localism Act as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

Declaring interests

5. 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 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 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.
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) 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.
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 covered by table 1 below you must disclose the interest.
9. Where the matter affects the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;

- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

you 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

To be reformatted

DRAFT

CSPL recommendations

1. Under the Localism Act 2011 the Code of Conduct can only apply to a Councillor when they are carrying out their duties as a councillor or acting as a representative of the Authority. CSPL recommended in their 2019 Report to Government that this narrow scope should be broadened so that a local authority's code of conduct would also apply to a councillor when they claim to act, or give the impression they are acting, in their capacity as a councillor or as a representative of the local authority". If the law is changed to accept that recommendation the Code would need to be updated to reflect that change.
2. CSPL also recommended that there should be a rebuttable presumption that a councillor's behaviour in public is in an official capacity. This would include statements on publicly accessible social media and that 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." Again, if the law is changed to accept that recommendation the Code would need to be updated to reflect that change.
3. Other recommendations include:
 - a. Sanctions
 - b. Appeals through the Local Government Ombudsman
4. See CSPL website for further details
www.gov.uk/government/news/theprinciples-of-public-life-25-years

ROTHERHAM BOROUGH COUNCIL

CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS

PART 1

General Provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of Rotherham Borough Council (“the Council”).
- (2) It is your responsibility to comply with the provisions of this Code and uphold the seven principles of public life set out in Annex 1 to this Code.
- (3) In this Code –
 - A "meeting of the Council" means any meeting of –
 - (a) the Council;
 - (b) the Cabinet, a committee of the Cabinet or a member of the Cabinet acting under delegated powers;
 - (c) the Council's committees, sub-committees, joint committees, joint sub-committees, or area committees.

A "member" includes a co-opted member who is entitled to vote on any question that falls to be decided at any meeting that falls within paragraphs (a) – (c) above.

Scope

2. (1) Except when you are acting as a representative of the Council when sub-paragraph (2) applies, you must comply with this Code whenever you –
 - (a) conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of the Council.
- (2) Where you act as a representative of the Council –

- (a) on any of the authorities which are under a duty to have a similar code of conduct to this Code, you must comply with that authority's code of conduct when acting for that authority;
- (b) on any organisation or body that is not obliged to have a code of conduct, you must comply with this Code except to the extent that this Code conflicts with any other lawful obligations to which that other organisation or body may be subject.

General obligations

- 3. (1) You must treat others with respect.
- (2) You must not –
 - (a) do anything which may cause the Council to breach any of the equality duties;
 - (b) bully any person;
 - (c) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- 4. You must not –
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
6. You –
 - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself, or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of the Council –
 - (i) act in accordance with the Council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's –
 - (a) chief finance officer (the Strategic Director of Resources); or
 - (b) monitoring officer (the Director of Legal and Democratic Services),where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.
8. Guidance as to the operation and interpretation of this Code of Conduct is provided by the principles set out in the supplemental document, attached hereto entitled "A healthy system of democratic leadership and accountability"

PART 2

Interests

Personal interests

8. You have a personal interest in any business of the Council where either it relates to or is likely to affect –
- (i) 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;
 - (ii) any body –
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes;
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); or
 - (dd) which is a private club or society, such as the Freemasons, a recreational club, working men’s club or private investment club,

of which you are a member or in a position of general control or management;
 - (iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25; or
 - (iv) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of you or a member of your family or a close friend or someone with whom you have a close association to a greater extent than it would affect the majority of other council tax payers, ratepayers or inhabitants of your ward or electoral area.

Disclosable pecuniary interests

- 9 (1) You have a “disclosable pecuniary interest” in any business of the Council where it is a pecuniary interest of yours or a pecuniary interest of –
- (a) your spouse or civil partner,

(b) a person with whom you are living as if husband and wife, or

(c) a person with whom you are living as if you are civil partners

and you are aware that that other person has the interest and the interest falls within the categories of pecuniary interests classed as disclosable pecuniary interests in regulations made by the Secretary of State from time to time under section 30 (3) of the Localism Act 2011.

(2) The current disclosable pecuniary interests are listed in Annex 2 to this Code.

Notification of interests

10. You must notify the Council's monitoring officer of any interest that is classed as a personal interest or a disclosable pecuniary interest –
- (a) within 28 days of becoming a member or co-opted member of the Council;
 - (b) within 28 days of acquiring any interest or becoming aware of any such interest;
 - (c) within 28 days of any change to an interest that you have previously registered; or
 - (d) within 28 days of disclosing an interest at a meeting of the Council

Disclosure of interests

11. (1) Where you have a **personal interest** in any business of the Council and you attend a meeting of the Council at which the business is considered unless the interest is a sensitive interest (see subparagraph (3)), you must disclose the existence and nature of that interest and then consider whether the interest is of such significance that it warrants withdrawal from and no further participation in the discussion or vote on that item, with any such withdrawal from the meeting being recorded in the minutes.
- (2) Where you have a **disclosable pecuniary interest** in any business of the Council and you attend a meeting of the Council at which the business is considered, unless the interest is a sensitive interest (see sub-paragraph (3)), you must disclose the existence and nature of that interest and, unless you have been granted a dispensation (see subparagraph (4)), you must not take part in the discussion or vote on that

item and must withdraw from the meeting room, including the public gallery, before the item is considered by the meeting.

- (3) You need not disclose the nature of any **personal interest** or **disclosable pecuniary interest** in an item of business where the Council's monitoring officer considers that disclosure of the details of the interest ("a sensitive interest") could lead to you or a person connected with you being subject to violence or intimidation.
- (4) Sub-paragraph (2) and (3), do not apply where the monitoring officer or the Standards Committee, as the case may be, has granted a dispensation to enable you to take part in the discussion of, or vote on that item, or both.

Offences

- 12 You commit an offence if without reasonable excuse –
- (a) you fail to notify the monitoring officer within 28 days of becoming a member of the Council of any disclosable personal interests that you have;
 - (b) you fail to disclose at a meeting of the Council the nature and extent of a disclosable pecuniary interest that you have, and are aware of having, in an item of business that is being considered at the meeting, unless –
 - (i) the interest is a sensitive interest and paragraph 11 (3) applies;
 - (ii) the interest is entered in the Register of Members' Interests maintained by the monitoring officer; or
 - (iii) the monitoring officer has been notified that you have such an interest but the register has not yet been updated ("a pending notification");
 - (c) you fail to notify the monitoring officer of a disclosable pecuniary interest that you have disclosed at a meeting of the Council, or where you are a member of the Cabinet at your delegated powers meeting, as the case may be, within 28 days of the date on which you made the disclosure;
 - (d) you participate in any discussion of, or vote on, any item of business at a meeting of the Council in which you have a disclosable pecuniary interest of which you are aware, unless you have been granted a dispensation in accordance with paragraph 11 (4), or

- (e) you have a disclosable pecuniary interest of which you are aware in any item of business to be dealt with, or being dealt with, by you as a member of the Cabinet acting under delegated powers and despite having that interest continue to deal with that item of business, except where such dealing is for the purpose of arranging for the item to be dealt with otherwise than by you.

Terms within this Code of Conduct are given their normal English meaning, for example, to bully is defined in the Oxford English Dictionary as “to use superior strength or influence to intimidate (someone) typically to force them to do something”

The Seven Principles of Public Life

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

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

Leadership

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

DISCLOSABLE PECUNIARY INTERESTS

In accordance with Section 30(3) of the Localism Act 2011 a pecuniary interest is a “disclosable pecuniary interest” in relation to a member, if it is of a description specified below and either

- is an interest of the member, or
- is an interest of:-

the member’s spouse or civil partner

a person with whom the member is living as husband and wife, or

a person with whom the member is living as if they were civil partners,

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

However it should be noted that the disclosure of sponsorship is only in relation to the sponsorship of the member and not in relation to a spouse or civil partner.

In the Table below –

“body in which you have a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“relevant period” means the period of 12 months ending with the day on which M gives notification of a disclosable pecuniary interest;

“relevant person” means you (as a member) or your spouse or civil partner; a person with whom you are living as husband and wife; or a person with whom you are living as if you were civil partners;

“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.

DISCLOSABLE PECUNIARY INTERESTS

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant 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	Any beneficial interest in land which is within the area of the relevant Council.
Licenses	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 member's knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which the relevant person has a beneficial interest
Securities	Any beneficial interest in securities of a body where— (a) that body (to the member'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

	<p>issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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A healthy system of democratic leadership and accountability

As councillors for the Borough in 2015 we understand the special responsibilities we bear. The Council must improve and we are confident that improvement has begun. The Council needs to increase public confidence. As councillors we need to demonstrate we are learning from the past and mindful of the high standards we set for ourselves and that others demand.

Councillors have a number of roles. We need to be accessible and approachable to our ward constituents, whether they voted for us or not, and willing to ensure the Council hears and responds to their needs appropriately. We need to help increase local communities' ability and willingness to pull together and find local solutions to common problems. We need to lead and scrutinise the service delivery of the paid staff. And we want to plan for the future of the Borough and make decisions about the best ways to increase prosperity, ensure wellbeing and provide opportunities.

We believe politics is about debate and sometimes argument. Such debate helps the Council decide what to do and how to do it. We are currently debating how to organise ourselves within the council but however this is determined all councillors have both individual, Group and collective responsibilities. We know that political arithmetic matters. A Party with a majority can expect to win votes if it agrees on a course of action. Minority parties accept this. In return all parties accept they should seek to find common cause where they can whilst disagreeing where they think they must.

We want a reputation as councillors who are credible, responsible and self-critical. As part of this we have come together on a cross-party basis to discuss a new local code, in which we commit to high standards, more specific and detailed than the national code of conduct which binds all councillors. This local code should therefore be read as supplementing that document which already outlaws bullying, requires close attention to conflicts of interest, holds us to keep private matters confidential and commits us to the seven principles of public life.

In many ways this code breaks no new ground. Our councillors live these standards every day. But we recognise that by writing these standards down we show how serious we are about our personal and Group self-discipline.

This is what we want to do:

Be respectful

1. Always remember the importance of those individuals and communities who need the council's services.
2. Ensure our words and actions are free from prejudice and improper discrimination.
3. Get the basics right and be courteous and reliable in all our dealings with the public.
4. Understand the legal requirements on the Council.

5. Always be mindful that we are responsible for other people's money.
6. Be clear with the staff of the council about our ambitions and expectations whilst treating them with respect.
7. Act, dress and carry ourselves in a way that invites others to respect our efforts.

Be imaginative

8. Be energetic and be ambitious; looking ahead to what needs to change.
9. Encourage others to take an interest in the Council.
10. Use evidence of what works elsewhere to improve our decision-making.
11. Advocate for those individuals and communities who need our help.
12. Widen the circle of those contributing to local life.
13. Never be complacent and try to learn from others and be open to new ideas.

Be open-minded

14. Accept if we have got things wrong and try to put things right
15. Commit to personal development to improve our understanding, skills and confidence.
16. Challenge those who fall below the high standards we believe in.
17. Avoid giving personal criticism, whilst being willing to vigorously debate ideas and principles
18. Resist taking offence too easily, recognising that politics requires resilience.
19. Understand our personal accountability and engage with the press and others to explain our work
20. Escalate any individual concerns responsibly, using agreed systems of the Council.

Public Report
Standards and Ethics Committee

Committee Name and Date of Committee Meeting

Standards and Ethics Committee - 19 November 2020

Report Title

Standards and Ethics Committee - Consideration of Complaints

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

A report updating the Committee on the Complaints received against Members of the Council, and Town and Parish Councillors alleging a breach of the Code of Conduct.

Recommendations

That the Committee notes the Complaints received, and the actions taken to deal with those complaints, pursuant to the Standards and Ethics Committee Complaints Procedure.

List of Appendices Included

Appendix 1 Schedule of Complaints and Actions Taken

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

An exemption is sought for Appendix 1 under Paragraph 1 (Information relating to any individual.) of Part I of Schedule 12A of the Local Government Act 1972 is requested.

Standards and Ethics Committee - Consideration of Complaints

1. Background

- 1.1 A Schedule of complaints received and actions taken in respect of those complaints is at Appendix 1.
- 1.2 As the schedule includes unproven allegations, it is anonymised in order to prevent identification of the relevant subject member.

2. Key Issues

- 2.1 The nature of each complaint is set out in the Schedule at Appendix 1. Any common themes arising from the Committee's overview of complaints should be identified. Further the members of the Committee may make suggestions in relation to means of addressing common issues which arise in the complaints.

3. Options considered and recommended proposal

- 3.1 Options for dealing with the complaints are set out in the Complaints Procedure and the action taken in respect of each complaint is set out in the Schedule.

4. Consultation on proposal

- 4.1 One of the Standards and Ethics Committee Independent Persons is consulted in respect of each complaint.

5. Timetable and Accountability for Implementing this Decision

N/A

6. Financial and Procurement Advice and Implications

- 6.1 The officer time in dealing with these complaints is met within existing Legal Services resources.

7. Legal Advice and Implications

- 7.1 The Council and the Standards and Ethics Committee have a statutory duty to promote and maintain high standards of conduct. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct.

8. Human Resources Advice and Implications

None

9. Implications for Children and Young People and Vulnerable Adults

None

10. Equalities and Human Rights Advice and Implications

None

11. Implications for Partners

None

12. Risks and Mitigation

None

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services

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This report is published on the Council's [website](#).

Schedule of Complaints

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Public Report
Standards and Ethics Committee

Committee Name and Date of Committee Meeting

Standards and Ethics Committee – 19 November 2020

Report Title

A Review of Concerns Raised Pursuant to the Whistleblowing Policy

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

A report regarding concerns raised pursuant to the Whistleblowing Policy and the actions taken to address these matters.

Recommendations

1. That the Committee notes the Whistleblowing concerns raised over the previous year and the actions taken to address these matters.

List of Appendices Included

Appendix 1 - Schedule of Whistleblowing Concerns

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

The Appendix to this report will be considered in the absence of the press and public as being exempt under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information relating to an individual).

A Review of Concerns Raised Pursuant to the Whistleblowing Policy

1. Background

- 1.1 This report provides an overview of the Whistleblowing cases which have been received over the past year.
- 1.2 A description of the concerns received over the past year, along with the relevant action to address these matters is at Appendix 1. This is appropriately anonymised in order not to identify the Whistleblower, pursuant to the policy in respect of confidentiality.

2. Key Issues

- 2.1 Matters reported are described within Appendix 1. It is important for there to be oversight of matters being reported pursuant to the Whistleblowing Policy.

3. Options considered and recommended proposal

- 3.1 Recommendations have been referred to above.

4. Consultation on Proposal

- 4.1 N/A

5. Timetable and Accountability for Implementing this Decision

- 5.1 N/A

6. Financial and Procurement Advice and Implications

- 6.1 Any work undertaken by Legal Services in dealing with this matter is within the budget for Legal Services.

7. Legal Advice and Implications

- 7.1 The Council has a statutory duty to provide an appropriate Whistleblowing Policy and arrangements for dealing with concerns raised through the policy.

8. Human Resources Advice and Implications

- 8.1 None.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 None.

10. Equalities and Human Rights Advice and Implications

10.1 The Whistleblowing Policy is available to all employees, workers and contractors of the Council.

11. Implications for Partners

11.1 None.

12. Risks and Mitigation

12.1 There is a risk that if serious misconduct is not reported pursuant to the Whistleblowing Policy, serious issues will not be appropriately investigated and addressed.

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services

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By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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