



## **Standards Committee**

**Date**      **Wednesday 9 December 2020**  
**Time**      **9.30 am**  
**Venue**    **Remote Meeting - This meeting is being held  
remotely via Microsoft Teams**

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### **Business**

#### **Part A**

#### **Items which are open to the Public and Press**

1. Apologies for Absence
2. Declarations of Interest, if any
3. Minutes of the Meeting held on 13 March 2020 (Pages 3 - 4)
4. Code of Conduct Update (Pages 5 - 18)
5. National Picture - Standards Update (Pages 19 - 72)
6. Annual Report of the Standards Committee 2019/2020 (Pages 73 - 82)
7. Independent Persons (Pages 83 - 90)
8. Such other business as in the opinion of the Chairman of the Meeting is of sufficient urgency to warrant consideration.

**Helen Lynch**

Head of Legal and Democratic Services

County Hall  
Durham  
1 December 2020

**To: The Members of the Standards Committee**

Councillors J Atkinson, A Bainbridge, E Bell, J Bell, J Clark, M Clarke,  
E Huntington, B Kellett, J Nicholson, A Savory and D Stoker

Parish and Town Councillors T Batson and R Harrison

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**Contact: Jill Errington**

**Tel: 03000 269 703**

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**DURHAM COUNTY COUNCIL**

**STANDARDS COMMITTEE**

At a Meeting of **Standards Committee** held in Committee Room 1A , County Hall, Durham on **Friday 13 March 2020 at 10.00 am**

**Present:**

**Councillor B Kellett (Chair)**

**Members of the Committee:**

Councillors J Atkinson, A Bainbridge, E Bell, J Bell, J Clark, M Clarke and E Huntington (Vice-Chair)

**Co-opted Members:**

Parish/Town Councillors T Batson and R Harrison

**1 Apologies for Absence**

Apologies for absence were received from Councillors A Savory and D Stoker.

**2 Declarations of Interest**

There were no declarations of interest.

**3 Minutes**

The Minutes of the meeting held on 17 December 2020 were agreed as a correct record and were signed by the Chair.

**4 Committee Work Programme**

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which informed Members of progress against the Work Programme agreed on 10 December 2018, and proposed a new Work Programme for 2020/2021 (for copy see file of Minutes).

The Governance Solicitor reported that the Work Programme for 2019/20 had been completed in full and asked Members to consider the draft Programme for 2020/2021 at Appendix 3 of the report.

In discussing the Work Programme for 2020/2021 Members highlighted the importance of imposing stronger sanctions for Councillors found in breach of the Code of Conduct, and welcomed the proposed Consultation by the Local Government Association.

**RESOLVED:**

That

- a) completion of the 2019/2020 Work Programme be noted;
- b) the proposed Work Programme for 2020/2021 be noted.

**5 Code of Conduct Update**

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which provided an update on activity since the last meeting in respect of complaints received by Durham County Council against Councillors (for copy see file of Minutes).

**Resolved:**

That the contents of the report be noted.

**6 National Picture - Standards Update**

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which informed Members of the national picture on standards issues affecting local government (for copy see file of Minutes).

Following discussion in respect of the cases referred to in the report it was **Resolved:**

That the report be noted and Officers monitor the progress of the matters referred to and keep the Committee updated.

**Standards Committee**

**9 December 2020**

**Code of Conduct Update**



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**Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer**

**Electoral division(s) affected:**

None

**Purpose of the Report**

- 1 To provide the Committee with an update on activity since the last meeting in respect of complaints received by Durham County Council against Councillors.

**Executive summary**

- 2 The report provides at Appendix 2 a list of complaints of alleged breaches of the Code of Conduct currently being assessed and those which have been completed. Complaints are considered in accordance with the council's Local Assessment Procedure dated October 2018.

**Recommendation**

- 3 The Standards Committee is recommended to note the contents of the report.

## **Complaints**

- 4 There have been 29 formal complaints received between 6 March 2020 and 30 November 2020. 14 final decision notices have been issued in the last period and the outcome of each complaint is included in Appendix 2. The complaints which are rejected at the pre initial assessment stage do not appear in the code of conduct activity shown at Appendix 2. For information only, in the last period three complaints were rejected or withdrawn prior to Member notification at the pre initial assessment stage for the period.
- 5 It would not be appropriate to comment on those complaints that are currently being assessed/investigated but Decision Notices will be available for inspection once the decision has been communicated to the Member subject to the Complaint.

## **Training**

- 6 The Independent Persons were due to attend an Independent Person Workshop hosted in Durham on 24 April 2020 which was cancelled due to Covid-19 restrictions. The training will be rescheduled in due course. The training will explore the role of the Independent Person in depth, discuss key developments including the new model code and share experiences.

## **Main Implications**

### *Legal Implications*

- 7 The council has a duty under s. 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a Code of Conduct that is consistent with the Nolan Principles. It must also have in place arrangements to consider allegations about breaches of the Codes of Conduct for Members, by the council's own members and of members of parish/town councils for which the council is the principal authority.

## **Conclusion**

- 8 The report is intended to provide an overview of complaints handling to assist the Standards Committee to fulfil their role in promoting and maintaining high standards of conduct.

## **Background papers**

- Local Assessment Procedure dated October 2018.
- Decision Notices.

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<b>Contact:</b>	Kamila Coulson-Patel	Tel: 03000 269674
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## **Appendix 1: Implications**

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### **Legal Implications**

As outlined in the report.

### **Finance**

There are no financial implications arising out of the report.

### **Consultation**

None.

### **Equality and Diversity / Public Sector Equality Duty**

There are no equality and diversity implications arising out of the report.

### **Climate Change**

There are no climate change implications arising out of the report.

### **Human Rights**

None

### **Crime and Disorder**

There are no Crime and Disorder implications arising out of the report.

### **Staffing**

There are no staffing implications.

### **Accommodation**

There are no accommodation implications.

### **Risk**

None.

### **Procurement**

There are no procurement implications.

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## Appendix 2: Code of Conduct Complaints Activity

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
COM 280	Town	21.11.19	It is alleged that the Member was angry and aggressive towards the Complainant at a public meeting. The Member called the Complainant and two other councillors liars. The Complainant finds the conduct of the Member to amount to bullying. The Member has failed to provide an apology to the Complainant.	Paragraphs 1, 2 and 6.	09.07.2020	No further action – The member had provided the apology in accordance with the recommendations of the standards committee. The member did not call the complainant a liar at a public meeting, he stated that the decision of the standards committee was based on lies.
COM 285	County	21.02.20	The Complainant is unhappy that she has not received a response to concerns raised with the Members. The Complainant has raised issues relating to litter, smashed glass and that she has poor broadband signal. The Complainant feels ignored, let down and disappointed that she has to live in such mess.	4.3 (a), (b), (e) and (j)	03.06.2020	Local resolution - Both Members acknowledges that they did not reply and have taken steps to prevent this happening again, email forwarding to their personal device and the use of standard templates. Both Members offered to apologise to the Complainant in their response and to change the practice to prevent this happening again. Apologies provided and file closed.
COM 286	County	11.02.20	The Complainant is unhappy with how the Members have handled his complaint and representations.	4.3(a), (b) and (j)	03.06.2020	No further action - It was considered that the Councillors had handled the

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
			The Complainant is also unhappy that one of the Councillors reported him to the police.			complaints fairly. As the outcome was not the outcome sought by the Complainant this resulted in the dissatisfaction of the complainant.
COM 287	Town	21.02.20	It is alleged that the Member made inappropriate comments and threatened the Complainant through Facebook posts. It is also alleged that the Member has used a false profile on Facebook.	Para 1 – Respect Para 2 – Shall not bully or intimidate Para 6 – Shall not bring the Council, or office into disrepute.	15.05.2020	No further action – This was a private matter. The complaint was against the Member as a private individual. The allegation that there was a false profile was not proved. The Member and complainant have an ongoing dispute which has resulted in the police being involved.
COM 288	Parish	05.03.20	The Complainant alleges that the Council have had him blocked from a local Facebook group and issued a statement about him which makes false allegations about his character. It is also alleged that the Council have not properly constituted their meetings.	1. Respectful 2. Shall not behave in a manner which would be considered bullying or intimidatory; 3. Shall not seek to improperly confer an advantage or disadvantage on any person; 5. he/she shall not share, discuss or disclose information to		Ongoing - IP consulted.

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
				others which is confidential		
COM 289	County	05.03.20	This complaint relates to a planning matter from July 2018. It was alleged that the Members approached a planning matter with a closed mind and did not consider the application of the Complainant fairly. It is alleged that the committee decision was not fair and was biased.	4.3 (a) - champion the needs of the residents (b) – deal with representations fairly (e) – listing to the interests of all parties include officers (h) – behave in accordance with all legal obligations (j) – treat people with respect.	16.06.2020	No further action - The Councillors were not found to have breached the code by attending the site visit by attending using their own transport. The allegations of bias and pre-determination are only matters for the Court to determine and the Complainant has not been a basis for challenge on the decision.
COM 290	County	10.03.20	The Complainant alleges that the Member made comments on his blog which were inaccurate.	(a) To champion the needs of residents. (b) Deal with representations or enquires from residents, members of communities and visitors fairly, appropriately and impartially. (j) always treat people with respect, including	11.05.2020	No further action - The Member was acting in his capacity as Councillor when making the posts. The Governance Solicitor considered the blog and did not find any comments which were contrary to the code. The Member did not name the Complainant and was reporting back to residents about an issue in his local area which had been raised with him.

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
				the organisations and public they engage with and work alongside.		
COM 291	Parish	12.03.20	The Complainant attended the Parish meeting and upon signing the attendance book, the Member took the register and pointed and sniggered at the name of the Complainant. The Member was also said to lock the doors during the meeting which was considered a health and safety risk.	<ol style="list-style-type: none"> <li>1. Respectful</li> <li>2. Shall not behave in a way which is considered bullying or intimidatory.</li> </ol>	08.07.2020	No further action - The member provided an explanation of the reason for inspecting the register closely as she was taking minutes. The Member denied that she pointed and sniggered at the name of the Complainant. The locking of the door was explained and at no time during the meeting was there an issue where attendees could not exit the building in the event of an emergency.
COM 292	County	27.03.20	The Complainant states that the Member has failed to communicate with him as promised, he has failed to understand the issues, he was reluctant to witness the issues, he was unwilling to talk to him on the phone and ended a call abruptly. The complaint finds that the Member has been ignorant to the issues presented and unwilling to assist.	<p>4.3 (a) Champion the needs of residents</p> <p>4.3 (b) Deal with representations or enquiries from residents fairly</p>	14.05.2020	No further action - The Member followed up the representations of the Complainant and kept the complainant updated at each opportunity. The Member presented the complaint to the correct service and did all possible to assist this Complainant.
COM 294	County and Town	06.04.20	It is alleged that Member 1 made a post on Facebook that the Complainant was opening his business during Covid-19 restrictions. Member 2	<ul style="list-style-type: none"> <li>• Respect</li> <li>• Not to bring office into disrepute.</li> </ul>	22.05.2020	No further action against Member 2 - The comment on Facebook was not contrary to the Code.

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
			was said to support these comments by adding a comment to the posts of Member 1. .	<ul style="list-style-type: none"> <li>Deal with representations fairly.</li> </ul>		Local Resolution against Member 2 – Undertake training on social media which has been completed.
COM 296	Town	28.05.20	It is alleged that the Complainant has suffered a pattern of abusive behaviour characterised by bullying from three members of the Council which she believes has been done to make her less effective as a community representative. This bullying behaviour has had an impact on her physical and mental wellbeing.	<p>1. Respectful</p> <p>2. Not act in a way which would be regarded as bullying and intimidation.</p> <p>3. Not to bring the Council or office into disrepute.</p>	<p>08.07.2020 - Investigation.</p> <p>09.11.2020 – No further action</p>	No further action – The investigating officer did not find any breach of the code for the content of the email and the actions of the subject members. It was noted that the tone of the email was inappropriate but did not in itself amount to bullying nor did the Complainant provide evidence of persistent conduct which could amount to bullying. The IP was consulted and agreed with the outcome.
COM 297	County	04.06.20	It is alleged that the Member demonstrated approval for racially discriminatory comments.	<p>4.3 (j) always treat others with respect</p> <p>4.3 (h) behave in accordance with legal obligations.</p>	<p>Investigation 09.07.20</p> <p>Standards Panel 09.11.20</p>	Standards Hearing Panel 14 December 2020.
COM 298	County	04.06.20	The Complainant believes that the Members conduct has been unreasonable which has included a demand for a written apology.	<p>4.3 (h) Behave in accordance with all legal obligations,</p> <p>4.3 (j) Respect</p>	01.12.2020	Ongoing – pending decision.

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
COM 301	County	17.06.20	The complainant alleges that the Member has been posting comments on social media which are false regarding the community centre and the Parish Council.	4.3 (a) Champion the needs of residents -; 4.3 (j) Respect	15.07.2020	No further action – There was no evidence of false statements made about the community centre. Allegation that the member made a false statement that the public needed seven days to attend a meeting was not consistent with the posts made by the Member.
COM 300, 302, 303	Town and Parish	17.07.2020	It is alleged that the Members advised people that 'local far-right hate groups descended on Bishop Auckland market place on the pretence of defending the town's war memorial' on a social media post. The Complainant considers that none of the information he posted was factual. The Complainants consider that the Members have conducted themselves in a manner which is contrary to the Code.	1. Respect.		Ongoing – under consideration by the Governance Solicitor
COM 304	Town	17.07.20	Member 1 circulated an email to a closed group relating to the Complainant which was said to have unproven and malicious allegations. Member 2 in response to the email invited Member 1 to report the concerns through the proper channels.	1. Respect	25.11.2020	No further action in respect of Member 1.  Local Resolution for Member 2 to take the form of training on member code and social media with the Clerk to the Council.
COM 305	Parish	20.07.20	It was alleged that the Member used her position as a Councillor to gain an advantage to deal with a personal dispute with the Complainant.	2. Shall not behave in a way which would be regarded as bullying or intimidatory.	28.08.2020	No further action – The Member denied the allegations in full. The Member resigned from her position as Councillor and therefore there was no

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
				3. Not to improperly confer an advantage on any person.		jurisdiction for the complaint to be considered further as a code of conduct complaint.
COM 306	Town	20.07.20	The Complainant considered that an email sent by the Member was offensive and threatening which asked her to stop contacting the officer of the Council. It was suggested by the Complainant that the Member suggested she was not a decent human being.	1. Respectful	29.10.2020	No further action - The contents of the email were not considered to amount to a breach of the code. The response of the Member was appropriate and did not state that the Complainant was not a decent human being.
COM 307	Town	21.08.20	It was alleged that the Member had deleted posts from members of the community. It was alleged that the comments were not liked by the Member and he deleted them and blocked the individuals from the social media site. It was also alleged that the Member did not address the concerns of the local area raised by the Complainant.	1. Respectful  5. shall not disclose confidential information.  6. shall comply with any Standing Orders, policies and procedures adopted by the Council	09.11.2020	No further action – There was no evidence that the Member in blocking the Complainant or deleting the posts behaved in a way which was contrary to the code. The comment made by the Member appeared to have been misinterpreted by the Complainant. There was no evidence to suggest that the Member as a blanket policy removes posts which are challenging towards him in his capacity as Councillor.
COM 308	County	04.08.20	It is alleged that the Member behaved in a manner unbecoming of someone in his role during an appeal hearing. The Complainants did not find the tone of the Member to be inappropriate and was considered as being dismissive.	4.3 (e) Listen to the interests of all parties.	04.09.2020	Local Resolution – The Member had not intended to be dismissive in any way towards the Complainants. The Member was asked to

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
				4.3 (j) Treat people with respect		issue an apology to the Complainants which was provided on 23.09.20.
COM 311	Town	28.09.20	The Member was said to have posted comments linked to a local news article which was said to have clear racist undertones and identified his distaste or dislike of persons from the south Asian community.	1. Respect 3. Not to bring the office into disrepute.	25.11.2020	Local Resolution – The Member denied that he had made the post stating that his account had been hacked however he was unable to provide evidence of this. The Member was asked to provide an apology directly to the Complainant and undergo social media training including security features of online accounts to prevent future breaches of security.
COM 314	Town	06.11.20	The Member appeared on television stating that she was not going to wear a mask in accordance with the Covid-19 restrictions and that she did not consider the virus to be real.	1. Respect  3. Not to bring the office into disrepute.		Ongoing – awaiting member response.
COM 315	Town	18.11.20	The Complainant details conduct since October 2018 to present by the Members which has amounted to bullying and harassment. The conduct of the Members is said to be contrary to the code and policies.	i. Respect  ii. Will not act in a way considered to be bullying or intimidatory.		Ongoing – Awaiting Member response.
COM 316	Town	24.11.20	The Complainant does not believe that the requisite notice was given of the meeting including the publication of the agenda. The Complainant	6. Comply with Standing Orders, policies and procedures		Ongoing – responses received and under review by the Governance Solicitor.

<b>Ref</b>	<b>Council</b>	<b>Date</b>	<b>Allegations</b>	<b>Paragraphs of the Code</b>	<b>Decision Notice</b>	<b>Outcome/Status</b>
			believes that the Member allowed a meeting to take place unlawfully.	adopted by the Council.		

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**Standards Committee**

**9 December 2020**

**National Picture - Standards Update**



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**Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer**

**Electoral division(s) affected:**

None

**Purpose of the Report**

- 1 To inform Members of the national picture on standards issues affecting Local Government.

**Executive summary**

- 2 This report is for information to update the Committee on national developments, consultations and cases which relate to the work of the Committee since the last meeting on 13 March 2020.

**Recommendation**

- 3 The Standards Committee is recommended to:
  - (a) note the report and request that Officers monitor the progress of the matters referred to and keep the Committee updated; and
  - (b) consider any recommendations it wishes to make arising out of the content of the report.

## **Background**

- 4 On 13 March 2020 the Standards Committee agreed as part of the annual Work Programme to continue to receive this report as a standing agenda item with a quarterly update to the Committee.

## **Code of Conduct Complaints and Reports**

- 5 Since the abolition of the Standards Board for England, national statistics and case reports are no longer collated. Any cases reported are taken from general research where councils publish details of their conduct hearings in public.

## **Bournemouth Christchurch and Poole Council – Councillor Lewis (January 2020)**

- 6 The Standards Committee considered an investigation into a complaint about a Councillor whose use of social media was alleged to have breached the Code of Conduct. The complaint related to a re-tweeted article in a local online magazine by the Councillor which the Complainants considered to constitute hate speech and was anti-Semitic. The Complainants believed that by re-tweeting the article the Councillor endorsed and promoted the sentiments in the article.
- 7 The report of the Investigating Officer recommended that no further action be taken against the Councillor. The Investigating Officer concluded that the Councillor had not been acting in her capacity as a Councillor when she re-tweeted the article. Whilst the account at the time included “Labour councillor” as one of the activities, the Councillor posted without using her council title and she did not use her account to deal with council business. The Investigating Officer made the observation that a constituent interested in the council activities of the Councillor would not be found on the account. Neither could they reasonably interpret her activities on Twitter as part of her council duties.
- 8 Whilst Committee were fully accepting the conclusions, consideration was given to the wider issues of how all Councillors made use of social media. The Chair of the Committee recommended that all Councillors undergo the training which highlights the need for Councillors to carefully consider the way in which they use social media and the implications of their social media activity.
- 9 This case shows how careful councillors need to be in their use of social media and how difficult it can be to distinguish between posts in a personal and in an official capacity. The Complainants perception was

that this account had been used by the Councillor in her capacity as a Councillor.

### **Wakefield Council - Councillor Kear (August 2020)**

- 10 In August 2020, Wakefield Council issued a statement following a Councillor admitted charges relating to trying to entice a child aged under 13 to engage in sexual activity and attempting to incite a child into pornography. The statement of the chief legal officer read:

*“Under local authority legislation, Alex Kear remains a councillor. Wakefield Council is powerless to remove him at this stage. Central government has essentially left local councils powerless to take action in these situations. We do not have any authority to remove elected members from their position, regardless of the severity of their alleged crimes, unless they receive a significant custodial sentence. Therefore unless Cllr Kear chooses to resign, he remains a councillor. This will be reviewed when he is sentenced.”*

- 11 On 20 August 2020 at Leeds Crown Court the Councillor was sentenced to four years in custody, followed by a further two years on licence, for child sex offences. The sentence imposed did automatically disqualify from the office of Councillor.
- 12 This example demonstrates the threshold for removal from office as well as sets out the limitations for removal. It was only upon sentencing that the disqualification of the Councillor took effect. There are currently limited circumstances where a Councillor can be disqualified. This is not a power of the Council but rests within the legal framework set out at section 80 of Local Government Act 1972.

### **Committee for Standards in Public Life – Ethical Standards**

- 13 The Chairman of the Committee on Standards in Public Life (CSPL), Lord Evans, wrote to the Secretary of State for Housing, Communities and Local Government, Robert Jenrick in July 2020 asking when the Committee will receive a formal government response to its January 2019 report on Local Government Ethical Standards (the report).
- 14 In the letter Lord Evans highlighted that the “current lack of robust sanctions damages public confidence in the standards system and leaves local authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct.” A copy of the letter is shown at Appendix 2.

- 15 A separate letter was sent by Lord Evans in July 2020 to local authority chief executives in England asking for updates on the progress against the 15 best practice recommendations contained in report. The request is shown at Appendix 3 with the response of Durham County Council shown at Appendix 4 which will be published by the Committee in early next 2021.
- 16 The response of Durham County Council confirms that 13 of the 15 best practice recommendations have been implemented with the two remaining to be anticipated to implemented following consideration by full Council in March 2021. The Secretariat have acknowledged the Council's response and Lord Evans is "grateful for a full and clear response."

## **Local Government Association (LGA) – Draft Model Code of Conduct**

- 17 It was a recommendation of the CSPL that an updated model code of conduct should be introduced in consultation with representative bodies of councillors and officers of all tiers of local government. During the summer authorities were invited to comment on the consultation on the LGA draft model Member Code of Conduct by 17 August 2020
- 18 On 21 July 2020 an informal meeting of the Standards Committee was convened to inform Members of and invite comment on the consultation on the LGA draft model Member Code of Conduct.
- 19 A copy of the revised model Code and consultation questionnaire is attached for information at Appendix 5 and 6. Following the feedback from the Members of the Standards Committee the response was submitted to the LGA on 14 August 2020, a copy of which is shown at Appendix 7.
- 20 At present there is no further update on the outcome of the consultation. An update will be presented to the Standards Committee as and when further information becomes available.

## **Background Papers**

- None

## **Other useful documents**

- <https://democracy.bcpccouncil.gov.uk/documents/s15808/Minutes%2014012020%20Standards%20Committee.pdf>

- <https://www.wakefield.gov.uk/Pages/News/PR-9535.aspx#:~:text=%E2%80%8BWakefield%20Council%20has%20confirmed,custody%2C%20followed%20by%20a%20further>

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**Contact:** Kamila Coulson-Patel Tel: 03000 269674

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## **Appendix 1: Implications**

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### **Legal Implications**

The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. Ensuring that the Standards Committee is kept up to date with national Standards issues is expected to facilitate compliance with this duty.

### **Finance**

There are no financial implications arising out of the report.

### **Consultation**

None.

### **Equality and Diversity / Public Sector Equality Duty**

There are no equality and diversity implications arising out of the report.

### **Climate Change**

There are no climate change implications arising out of the report.

### **Human Rights**

None

### **Crime and Disorder**

There are no Crime and Disorder implications arising out of the report.

### **Staffing**

There are no staffing implications.

### **Accommodation**

There are no accommodation implications.

### **Risk**

None.

### **Procurement**

There are no procurement implications.

## APPENDIX 2

Room G.07  
1 Horse Guards Road  
London  
SW1A 2HQ

Tel: 020 7271 2948

Email: [public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)

**Committee on  
Standards in  
Public Life**

Rt Hon Robert Jenrick MP  
Secretary of State  
Ministry of Housing, Communities and Local Government  
2 Marsham Street  
London SW1P 4DF

6 July 2020

Dear Secretary of State,

The Committee on Standards in Public Life published in January 2019 its report on Local Government Ethical Standards. I wrote to Luke Hall MP, Minister for Local Government and Homelessness, in October last year asking when we might receive the government's formal response (a copy of that letter is attached for ease of reference.) We have not received a reply to that letter to date.

I do of course understand the urgent priorities that local government is facing at the moment, and I don't wish to put any additional burden on the Ministry. But, at this time of crisis, demonstrable high standards are as important as ever to help maintain trust between government and the public. With that in mind, it would be very helpful to know when we might receive the government's response to our report.

Yours sincerely

**Lord (Jonathan) Evans, KCB, DL**  
**Chairman, Committee on Standards in Public Life**

UNCLASSIFIED

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## APPENDIX 3

Room G.07  
1 Horse Guards Road  
London  
SW1A 2HQ

[public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)

Sent by email  
to Local Authorities in England  
For the attention of the Chief Executive

**Committee on  
Standards in  
Public Life**

July 2020

### LOCAL GOVERNMENT ETHICAL STANDARDS

I am writing from the Committee on Standards in Public Life to follow up recommendations made in our January 2019 [report](#) on local government ethical standards.

In that report, we identified some best practice recommendations which represent a benchmark for ethical practice and which we expect any local authority should implement.

We said in our report that we would review the implementation of those best practice recommendations in 2020. We completely understand the unexpected and unprecedented pressures that local authorities are facing this year with COVID-19, so we are not of course asking for an immediate response. The purpose of this email is to let you know that we will be writing again in the autumn to ask you for your progress against these recommendations. I have attached a list of the best recommendations for ease of reference, but they are of course also set out in the report.

If you have any questions, please do just let us know. Otherwise, we wish you well and look forward to being in touch again later this year.

Secretariat  
Committee on Standards in Public Life

## List of Best Practice Recommendations

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

**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. 19 List of best practice

**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 as a whole, 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.

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Dear Lord Evans of Weardale,

I write further to your email dated 30 September 2020 regarding Durham County Council's progress against the best practice recommendations contained in the report of the Committee on Standards in Public Life on Local Government Ethical Standards. Please find attached the response of Durham County Council which details our progress on the best practice recommendations.

Durham County Council welcomed the review by the Committee and the opportunity to respond to the consultation. Following its publication in January 2019, the Council's Standards Committee considered the report and undertook a review of the existing practice against the best practice recommendations. We were pleased to note that our arrangements already reflected 13 out of the 15 recommendations. For the recommendations which required full Council approval these were due to be considered at the annual meeting in May 2020. However due to the restrictions on public meetings this has been deferred to March 2021. Should the Committee require a further update following our full Council meeting in March 2021 we will be pleased to provide this.

Thank you once again for the opportunity to update the Committee on our progress. We await the publication of the responses in the new year by the Committee.

Terry Collins   
Chief Executive  
Durham County Council  
Tel: [03000 268 062](tel:03000268062)

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**coronavirus advice**

**National restrictions**

- You must stay at home
- Only leave home for food, medical reasons, exercise, education or work
- You must work from home if you can
- Avoid travel unless essential
- Remember: wash hands, make space, cover face

For more information visit [www.durham.gov.uk/coronavirus](http://www.durham.gov.uk/coronavirus)

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## **CSPL local government ethical standards 15 best practice recommendations**

**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.

### **Progress: In Progress – Due end of March 2021**

The Standards Committee on 7 July 2019 recommended for approval by full Council an update to the Code to include prohibitions on bullying and harassment using the suggested wording and definition with examples of the behaviour which could be considered bullying. This amendment was due to be approved by full Council at its Annual meeting in May 2020. However, this did not take place due to the Covid 19 Pandemic. It will now be presented to Council as part of the annual review of the Council's Constitution in March 2021.

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**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.

### **Progress: Existing arrangements in place**

Both of these points are covered by the Council's Local Assessment Procedure (LAP) and Local Determination Procedure (LDP) for considering Member Code of Conduct complaints which are found at <https://www.durham.gov.uk/article/2735/Complaints-about-councillors>

As part of the annual review of the Constitution in March 2021, the Code will be updated to link back to the obligations already set out LAP and LDP requiring Members to assist in investigations as well as to not submit malicious or trivial complaints.

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**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.

### **Progress: Existing arrangements in place**

The Member Code of Conduct is reviewed annually as part of the annual review of the Constitution. The review of the Code (and the Constitution) takes into account the views of the Standards Committee, Constitutional Working Group (a group of cross-party members) and is subject to approval by full Council.

For future reviews, the Standards Committee may consider whether a public consultation is appropriate. The views of neighbouring authorities are already shared via the Regional Monitoring Officers Group. Periodically, the members of the regional standards committee meet as a group for training purposes and to share views/experiences.

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**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.

**Progress: Existing Arrangements already in place.**

The Code is available through the Durham County Council website which can be found on the 'Councillor Code of Conduct and Standards Committee' page. A printed copy of the Code is available on request from council premises.

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**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.

**Progress: Existing Arrangements in place**

The arrangements within Durham County Council already reflect best practice.

The gifts and hospitality register is updated as and when Councillor declarations are made. The details of the register for each Councillor is updated on their Councillor page of the Durham County Council website which is open to the public. As good practice all County Councillors are reminded annually to review their declarations. The requirement to declare gifts and hospitality is also covered during Code of Conduct training.

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**6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Progress: Existing arrangements in place.**

This currently exists within the LAP and the Access to Information Procedure Rules.

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**7:** Local authorities should have access to at least two Independent Persons.

**Progress: Existing arrangements in place.**

The Council has two Independent Persons.

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**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.

**Progress: Existing arrangements in place**

The Monitoring Officer consults the Independent Person on a more frequent basis than envisaged by the Localism Act 2011. Where the Independent Person is consulted, the comments/views of the Independent Person are recorded in the relevant decision notice.

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**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.

**Progress: Existing arrangements in place**

This practice is adopted within Durham County Council.

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**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.

**Progress: Existing arrangements in place**

Durham County Council has clear procedures available on its website on how to make a complaint and how it will be handled (the Local Assessment of Complaints (the LAP) and the procedure for Standards Hearings (Local Determination Procedure). As well as being available on the website, copies are provided to members of the public etc as appropriate.

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**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 as a whole, rather than the clerk in all but exceptional circumstances.

**Progress: In Progress – March 2021**

The Council is unable to compel this practice at a local level through training and informal discussions with the Council members and officers, this procedure is generally adopted in County Durham.

To provide enhanced clarity the complaint form and LAP will set out that it is encouraged that a complaint by the Clerk should be made by the Chair or the Council as a whole.

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**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.

**Progress: Existing arrangements in place.**

This is currently adopted as is set out in the Constitution, LAP and LDP as part of the definition of the role of the Monitoring Officer.

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**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.

**Progress: Existing arrangements in place.**

The Monitoring Officer has a number of Officers to call upon and the option to seek external support to carry out an investigation. The views of the Independent Person may also be sought where there are potential conflicts. Arrangements are in place to ensure that different Officers consider each stage of a complaint and advise the Standards Committee in the event of a hearing.

To strengthen the current arrangements, the LAP will be updated to detail the practice in the event of a conflict of interest.

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**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.

**Progress: Existing arrangements in place.**

This practice is currently adopted as part of existing governance arrangements and is documented in the annual governance statement.

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**15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

**Progress: Existing arrangements in place.**

Members of the Corporate Management Team and the Monitoring Officer meet regularly with political group leaders. Meetings are also arranged to discuss specific conduct issues as appropriate

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**THIS FORM IS FOR INFORMATION ONLY - DO NOT COMPLETE**  
**PLEASE USE THE ONLINE SURVEY FORM TO SUBMIT YOUR RESPONSE**

## **LGA Consultation on Draft Model Member Code of Conduct**

Thank you for taking the time to complete this consultation. This Model Member Code of Conduct [[Model Member Code of Conduct.pdf](#)] aims to be concise, written in plain English and be understandable to members, officers and the public. The Model Member Code is designed to aid members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members. It is designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse.

The LGA has reviewed the existing Model Member Code of Conduct and updated it here incorporating the recommendations from the Committee on Standard's in Public Life's recommendations on Local Government Ethical Standards and the representation from its membership. Part of the Committee's recommendations were the introduction of sanctions for breaches of the code, alongside an appeals process. This aspect is out of scope of this consultation, as it requires legislative changes by Government, but the LGA has sought to reflect some of the possible changes by using square brackets where legal changes would be necessary. The LGA is continuing to take soundings from the sector on the issue of sanctions in anticipation of a Government response to the Committee's recommendations.

This consultation addresses key areas that the LGA would like a view on to help finalise the Code. It is aimed at councillors and officers from all tiers of local government. If you would like a wider discussion about the code, please do sign up to one of the forthcoming Webinars the LGA are holding as part of this consultation. Details will be posted on our [LGA events website](#).

### **Instructions and privacy notice**

You can navigate through the questions using the buttons at the bottom of each page. Use the 'previous' button at the bottom of the page if you wish to amend your response to an earlier question.

All responses will be treated confidentially. Information will be aggregated, and no individual or authority will be identified in any publications without your consent. Identifiable information may be used internally within the LGA but will only be held and processed in accordance with our [privacy policy](#). We are undertaking this consultation to aid the legitimate interests of the LGA in supporting and representing authorities.

Please complete your response in one go - if you exit before submitting your response your answers may be lost. If you would like to see an overview of the questions before completing the consultation online, you can access a PDF [here](#).

## About you

Your name \_\_\_\_\_

### Are you...

- A councillor
- An officer
- Answering on behalf of a whole council (Please provide council name below)
- \_\_\_\_\_
- Other (please specify below)
- \_\_\_\_\_

### Please indicate your council type

- Community/Neighbourhood/Parish/Town
- District/Borough
- County
- Metropolitan/Unitary/London Borough
- Other (please specify below)
- \_\_\_\_\_

### Application of the Code

Under the Localism Act 2012, the Code of Conduct applies to councillors only when they are acting in their capacity as a member. The LGA believes that because councillors are elected by the public and widely recognised by the public, it makes sense for them to continue to model these behaviours when they are making public comment, are identifying as a councillor and when it would be reasonable for the public to identify them as acting or speaking as a councillor. The Committee on Standards in Public Life supported this approach in their report into Local Government Ethical Standards. Whilst the LGA is waiting for Government's response to these recommendations the option has been added in square brackets as it would need changes in legislation.

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

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

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

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

- Yes
- No
- Don't know

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

- Personal tense ("I will")
- Passive tense ("Councillors should")
- No preference

### **Specific obligations**

The Code lists 12 specific obligations – these set out a minimum standard councillors are asked to adhere to.

Each obligation or group of obligations is put into a wider context to explain why that particular obligation is important.

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

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
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.					
3. Not bullying or harassing any person.					
4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.					
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.					
7. Not bringing my role or council into disrepute.					
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.					

9. Not misusing council resources.					
10. Registering and declaring my interests.					
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.					

**Q5. If you would like to propose additional or alternative obligations, or would like to provide more comment on a specific obligation, please do so here:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## Registration and declarations of interests

The law at present requires, as a minimum, registration and declaration of 'Disclosable Pecuniary Interests' - that is matters which directly relate to the councillor and their partner if applicable.

The LGA is proposing that all councillors are required to declare interests where matters also relate to or affect other family members or associates. The LGA has broadened the requirement to declare interests beyond this current statutory minimum in line with a recommendation from the Committee on Standards in Public Life. These specific provisions are set out in **Appendix B** of the Code.

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

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

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

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

- In the main body of the code
- In the appendix
- Other (please specify below)
- Don't know/prefer not to say

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

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

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

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
Any organisation, association, society or party of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council					
Any organisation, association, society or party that exercises functions of a public nature of which you are a member or in a position of general control or management					
Any organisation, association, society or party directed to charitable purposes					
Any organisation, association, society or party of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)					

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

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

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

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

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

- Yes
- Yes, but the amount should be reviewed annually with the code's review
- No, it should be lower (please specify amount) \_\_\_\_\_
- No, it should be higher (please specify amount) \_\_\_\_\_
- Don't know/prefer not to say

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

- \_\_\_\_\_ Regularly updated examples of case law
- \_\_\_\_\_ Explanatory guidance on the code
- \_\_\_\_\_ Case studies and examples of good practice
- \_\_\_\_\_ Supplementary guidance that focuses on specific areas, e.g., social media
- \_\_\_\_\_ Improvement support materials, such as training and e-learning packages

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

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

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Once you press the 'Submit' button below, you will have completed your response.

Many thanks for taking the time to respond to this consultation. You are in control of any personal data that you have provided to us in your response. You can contact us at all times to have your information changed or deleted. You can find our full privacy policy here: [click here to see our privacy policy](#)

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# Local Government Association Model Member Code of Conduct

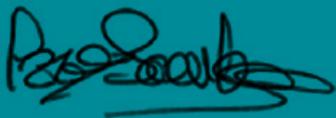
# Introduction

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 Izzie 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]<sup>1</sup> in [public or in]<sup>2</sup> 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](http://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
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.  [Any unpaid directorship.]
<b>Sponsorship</b>	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 <b>Trade Union and Labour Relations (Consolidation) Act 1992</b> .
<b>Contracts</b>	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.
<b>Land and Property</b>	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.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
<b>Corporate tenancies</b>	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.
<b>Securities</b>	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**

<b>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;</b>	
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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For a copy in Braille, larger print or audio,  
please contact us on 020 7664 3000.  
We consider requests on an individual basis.

## Response Summary:

Thank you for taking the time to complete this consultation. This Model Member Code of Conduct [[Model Member Code of Conduct.pdf](#)] aims to be concise, written in plain English and be understandable to members, officers and the public. The Model Member Code is designed to aid members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members. It is designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse.

The LGA has reviewed the existing Model Member Code of Conduct and updated it here incorporating the recommendations from the Committee on Standard's in Public Life's recommendations on Local Government Ethical Standards and the representation from its membership. Part of the Committee's recommendations were the introduction of sanctions for breaches of the code, alongside an appeals process. This aspect is out of scope of this consultation, as it requires legislative changes by Government, but the LGA has sought to reflect some of the possible changes by using square brackets where legal changes would be necessary. The LGA is continuing to take soundings from the sector on the issue of sanctions in anticipation of a Government response to the Committee's recommendations.

This consultation addresses key areas that the LGA would like a view on to help finalise the Code. It is aimed at councillors and officers from all tiers of local government. If you would like a wider discussion about the code, please do sign up to one of the forthcoming Webinars the LGA are holding as part of this consultation. Details will be posted on our [LGA events website](#).

You can navigate through the questions using the buttons at the bottom of each page. Use the 'previous' button at the bottom of the page if you wish to amend your response to an earlier question.

All responses will be treated confidentially. Information will be aggregated, and no individual or authority will be identified in any publications without your consent. Identifiable information may be used internally within the LGA but will only be held and processed in accordance with our [privacy policy](#). We are undertaking this consultation to aid the legitimate interests of the LGA in supporting and representing authorities.

Please complete your response in one go - if you exit before submitting your response your answers may be lost. If you would like to see an overview of the questions before completing the consultation online, you can access a PDF here: [LGA Consultation on Draft Model Member Code of Conduct.pdf](#)

### Q31. Your name

Helen Lynch

### Q42. If you would like to receive a copy of your **completed response** please provide your email address below (a copy of the survey form is available on the previous page)

#### Email address

Helen.lynch@durham.gov.uk

### Q6. Are you...

- Answering on behalf of a whole council (Please provide council name below):  
Durham County Council

### Q7. Please indicate your council type

- Metropolitan/Unitary/London Borough

## Application of the Code

Under the Localism Act 2012, the Code of Conduct applies to councillors only when they are acting in their capacity as a member. The LGA believes that because councillors are elected by the public and widely recognised by the public, it makes sense for them to continue to model these behaviours when they are making public comment, are identifying as a councillor and when it would be reasonable for the public to identify them as acting or speaking as a councillor. The Committee on Standards in Public Life supported this approach in their report into Local Government Ethical Standards. Whilst the LGA is waiting for Government's response to these recommendations the option has been added in square brackets as it would need changes in legislation.

**Q9. Q1. To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?**

- To a great extent

**Q32. Q1a. If you would like to elaborate on your answer please do so here:**

The majority of complaints received are related to social media. This is likely to continue to be the case as there is an increase in remote working/online activity during the pandemic. It is important that the obligations on members are clear. The Independent Person to the Standards Committee reflected that Members are still recognised as being elected Members even when using private social media accounts.

**Q39. Q2. Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?**

- No

**Q10. Q3. Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?**

- Passive tense ("Councillors should")

## Specific obligations

The Code lists 12 specific obligations – these set out a minimum standard councillors are asked to adhere to.

Each obligation or group of obligations is put into a wider context to explain why that particular obligation is important.

**Q12. Q4. To what extent do you support the 12 specific obligations?**

<b>1. Treating other councillors and members of the public with civility.</b>	To a moderate extent
<b>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.</b>	To a moderate extent
<b>3. Not bullying or harassing any person.</b>	To a great extent
<b>4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.</b>	To a great extent

<p><b>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.</b></p>	<p>To a great extent</p>
<p><b>6. Not preventing anyone getting information that they are entitled to by law.</b></p>	<p>To a great extent</p>
<p><b>7. Not bringing my role or council into disrepute.</b></p>	<p>To a great extent</p>
<p><b>8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.</b></p>	<p>To a great extent</p>
<p><b>9. Not misusing council resources.</b></p>	<p>To a great extent</p>
<p><b>10. Registering and declaring my interests.</b></p>	<p>To a great extent</p>
<p><b>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.</b></p>	<p>To a great extent</p>
<p><b>12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.</b></p>	<p>To a moderate extent</p>

**Q13. Q5. If you would like to propose additional or alternative obligations, or would like to provide more comment on a specific obligation, please do so here:**

There needs to be clarity as to when the Code applies. There should be an obligation for Members to adhere to Council policies and procedures (e.g. IT, Social Media; Member Officer Relations Protocol).

Civility: The obligations of civility do not go far enough and the Code should retain the requirement to treat others with respect, which requires a due regard for the feelings, wishes or rights of others. It is suggested that the obligation should be treat others with "civility and respect".

The guidance refers to "unreasonable/excessive" personal attack. Any type of personal attack is unacceptable and the words "unreasonable and excessive" should be deleted.

Bullying & Harassment: There should be clear guidance as to what constitutes bullying and harassment, recognising that some Members perceive this as robust political debate and vice versa.

Confidentiality - the duty should be owed only where Members ought reasonably to be aware of the confidential nature of the information.

Interests - the Code should be clearer as to what constitutes an interest and when the requirement to declare arises.

The Code should also cover conflicts of interests and include guidance on when these might arise.

Gifts & Hospitality - the value should be at the level recommended by CSPL - £50.

**Q14.**

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

- Each specific obligation followed by its relevant guidance

**Q15. Q7. To what extent do you think the concept of 'acting with civility' is sufficiently clear?**

- Not at all

**Q16. Q7a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:**

As previously explained, the obligation should go further than treating people with formal politeness and courtesy in behaviour or speech. The requirement to treat people with respect should be retained so that Members are required to have a due regard for the feelings, wishes or rights of others. There should be a recognition that a Councillors own views on acceptable conduct might differ from others both within and outside the Council. The Independent Person to the Standards Committee reflected that with regard to civility it is important to recognise the diversity that the term suggests e.g. civility in social, economic, religious and public forum settings can have several different connotations which need to be reflected in guidance.

**Q40. Q8. To what extent do you think the concept of 'bringing the council into disrepute' is sufficiently clear?**

- To a small extent

**Q41. Q8a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:**

There was some comment that the concept is well known and therefore it is assumed that the terms is understood but the concept is outdated and what constitutes disrepute is subjective. It is suggested that the obligation is replaced with a requirement not to act in such a way as to undermine public confidence in the office/authority or include clear examples as to what might constitute disrepute.

**Q17. Q9. To what extent do you support the definition of bullying and harassment used in the code in a local government context?**

- To a great extent

**Q18. Q9a. If there are other definitions you would like to recommend, please provide them here.**

As previously explained, there needs to be clear examples of what constitutes bullying and harassment and distinction between this and robust political debate/challenge.

**Q19. Q10. Is there sufficient reference to the use of social media?**

- No

**Q20. Q10a. Should social media be covered in a separate code or integrated into the overall code of conduct?**

- Integrated into the code

**Q33. Q10b. If you would like to make any comments or suggestions in relation to how the use of social media is covered in the code please do so here:**

All Members considered that the Code should be clear on obligations on members when using social media but this should be supported by clear guidance on how to use it appropriately e.g. specific councillor social media pages/templates; guidance on how to set pages up and manage public interaction and deal with abuse that they may receive.

**Registration and declarations of interests**

The law at present requires, as a minimum, registration and declaration of 'Disclosable Pecuniary Interests' - that is matters which directly relate to the councillor and their partner if applicable.

The LGA is proposing that all councillors are required to declare interests where matters also relate to or affect other family members or associates. The LGA has broadened the requirement to declare interests beyond this current statutory minimum in line with a recommendation from the Committee on Standards in Public Life. These specific provisions are set out in **Appendix B** of the Code.

**Q22. Q11. To what extent to you support the code going beyond the current requirement to declare interests of the councillor and their partner?**

- To a great extent

**Q34. Q11a. If you would like to elaborate on your answer please do so here:**

N/A

**Q23. Q12. Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code currently references it?**

- In the main body of the code

**Q36. Q12a. If you would like to make any comments or suggestions in relation to how the requirement to declare interests is covered in the code please do so here:**

Members welcomed attempts to clarify interests and acknowledged that the proposed requirement to declare other interests (Table 2) reflected arrangements adopted locally. However, there needs to be greater clarity in terms of what constitutes an interest, when it needs to be declared and what the effect of an interest is. Different categories of interests together with conflicts of interest can be confusing for members and the public.

Members were supportive of being able to speak on an item (subject to the public having the same rights) and then withdrawing prior to a decision so that they can still represent their residents views. Otherwise Members may feel unable to participate in external organisations/outside bodies for fear of not being able to participate in council business.

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

**Q25. Q13. To what extent do you support the inclusion of these additional categories for registration?**

<b><i>Any organisation, association, society or party of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council</i></b>	To a moderate extent
<b><i>Any organisation, association, society or party that exercises functions of a public nature of which you are a member or in a position of general control or management</i></b>	To a moderate extent
<b><i>Any organisation, association, society or party directed to charitable purposes</i></b>	To a moderate extent
<b><i>Any organisation, association, society or party of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</i></b>	To a moderate extent

**Q37. Q13a. If you would like to propose additional or alternative categories for registration, please provide them here:**

Members generally considered that the CSPL recommendation to include a requirement to declare the following categories of interests. If these were all DPIs it would help provide clarity and reduce confusion between DPIs; other interests and conflict of interests.

- I. Unpaid Directorships
- II. Trusteeships
- III. Management roles in a charity or body of a public nature
- IV. Membership of any organisations that seek to influence opinion or public policy.

**Q26. Q14. To what extent to you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?**

- To a great extent

**Q38. Q14a. If you would like to elaborate on your answer please do so here:**

N/A

**Q27. Q15. The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?**

- No, it should be higher (please specify amount):  
50

**Q28. Q16. The LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? Please rank 1-5, with 1 being the most useful.**

<b><i>Explanatory guidance on the code</i></b>	1
<b><i>Supplementary guidance that focuses on specific areas, e.g., social media</i></b>	2
<b><i>Improvement support materials, such as training and e-learning packages</i></b>	3
<b><i>Case studies and examples of good practice</i></b>	4
<b><i>Regularly updated examples of case law</i></b>	5

**Q29. Q16a. If you would like to suggest any other accompanying guidance please do so here:**

Guidance on undertaking training and importance of continuous development

**Q30. Q17. If you would like to make any further comments about the code please so here:**

Whilst the Council welcomes the draft model Code and the opportunity to comment, it was hoped that the LGA would address all of the Committee in Standards in Public (CSPL) recommendations in relation to Member Conduct. It is understood that the introduction of sanctions requires legislative change. However, it is disappointing that the Code is almost silent on sanctions but refers to other provisions that would also require legislative change (scope of the code/interests).

Without exception, all Members raised the lack of appropriate sanctions available to the Standards Committee as being the area of most significant concerns and strongly supported the CSPLs recommendation for a 6 month suspension and clarity on whether authorities can restrict access to resources/buildings by way of sanction.

There is currently no deterrent to improper conduct and no confidence by those affected to pursue complaints. The sanctions available to the Committee do not provide adequate protection to those experiencing bullying and harassment in particular and often fail to meet the expectations of complaints. This undermines confidence in the ethical standards regime. The CSPL recommendations were intended to improve public confidence in the ethical standards regime. It is important that these are properly reflected within the draft Code to help ensure that the findings and recommendations for CSPL are properly addressed.

Once you press the 'Submit' button below, you will have completed your response.

Many thanks for taking the time to respond to this consultation. You are in control of any personal data that you have provided to us in your response. You can contact us at all times to have your information changed or deleted. You can find our full privacy policy here: [click here to see our privacy policy](#)

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## Standards Committee

9 December 2020

### Annual Report of the Standards Committee 2019/2020



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## Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer

### Electoral division(s) affected:

None

### Purpose of the Report

- 1 To provide an overview of the work of the Standards Committee during 2019/2020 and to set out the future direction which the Committee intends to take during 2020/2021.

### Executive summary

- 2 The Standards Committee has continued to promote the principles and values of good governance within the Council and across the County. The Members of the Standards Committee are committed and dedicated to ensuring that high standards of conduct are maintained by all local elected Members.
- 3 This report sets out the progress made by the Standards Committee in 2019/2020 in respect of code of conduct issues for the elected Members within County Durham.
- 4 This report also sets out the training provided to Members as well as the work programme of the Standards Committee to achieve the objective of promoting and maintaining high standards.

### Recommendations

- 5 It is recommended that:
  - a. the Standards Committee note the report; and
  - b. the report be presented to a meeting of the Council in January 2021.

## **Background**

- 6 Although there is no legislative requirement for Standards Committees to produce an Annual Report, doing so is recognised as good practice. Not only does the report publicise the work of the Committee to the general public, it is also a means for the Authority itself to monitor the Committee's work.
- 7 References to Articles in the Council's Constitution in this report are to those that existed during 2019 - 2020.

## **Membership of the Standards Committee 2019/2020**

- 8 The Standards Committee is comprised of 11 County Council Members and 2 Parish/Town Council Members as follows:

### **County Council Membership**

Councillor B Kellett - Chairman

Councillor E Huntington - Vice Chairman

County Councillors - J Atkinson, A Bainbridge, E Bell, J Bell, J Clark, M Clarke, J Nicholson, A Savory and D Stoker.

### **Parish and Town Council Representatives**

Councillor Terry Batson is a consultant Arborist and a former Local Government Officer. Councillor Batson is also a Member of Tow Law Town Council.

Councillor Ralph Harrison is a former Member of Chester le Street District Council who continues to serve his local community as a Member of Sacriston Parish Council.

## **Independent Persons**

- 9 Under the Localism Act 2011, the Council was required to appoint one or more Independent Persons to assist in the Standards process.
- 10 The functions of the Independent Persons are:
  - a. They must be consulted by the Authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decide on action to be taken in respect of that Member.

- b. They may be consulted by the Authority in respect of a Standards complaint at any other stage and they may be consulted by a Member or a co-opted member.

11 In September 2012 the Council appointed the following persons:

- a. John Dixon Dawson. John is from Peterlee and is currently Head of Post Graduate Programmes at the University of Sunderland Business School. He has a career going back to 1986, which has involved various placements at universities in the North East, four years as a non-Executive Director at an NHS Trust and seven years as a Deputy Town Clerk.
- b. Peter William Jackson. Peter is from Newton Hall and is retired. He was originally from the private sector having fulfilled the roles of Factory Manager, General Manager, Managing Director, Group Technical Executive and Sales Manager. He has also served on the Youth Employment Committee of the Council and the Police Consultative Committee for Durham County Council.

12 The Independent Persons were appointed for a four-year term with effect from 25 September 2016 and this is their second term of office.

### **Role of the Standards Committee**

13 The Members of the Standards Committee have a common interest in that they believe in principled local politics and value their role as champions of high standards of conduct amongst local politicians.

- a) The Terms of Reference for the Committee are set out in the Council's Constitution as follows: promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council and Parish and Town Council Members;
- b) assisting Members and Co-opted Members of the Council and Parish and Town Council Members to observe the Members' Code of Conduct and where appropriate, the Planning Code of Practice;
- c) advising the Council on the adoption or revision of the Members' Code of Conduct and the Planning Code of Practice;
- d) monitoring the operation of the Members' Code of Conduct and the Planning Code of Practice;

- e) advising, training or arranging to train Members and Co-opted Members of the Council and Parish and Town Council Members on matters relating to the Members' Code of Conduct and Planning Code of Practice;
  - f) granting dispensations to Members and Co-opted Members of the Council from requirements relating to interests set out in the Members' Code of Conduct and Planning Code of Practice in circumstances where this function has not been delegated to the Monitoring Officer;
  - g) the assessment and/or referral for investigation of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members, if requested to undertake this function by the Monitoring Officer;
  - h) the determination of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members;
  - i) dealing with any alleged breach by a Member of a Council Protocol, in accordance with procedures approved by the Committee;
  - j) overview of the Officers' Code of Conduct;
  - k) overview of the Protocol on Member/Officer Relations.
- 14 Each year the Standards Committee agrees a work programme, which reflects the Terms of Reference set out above.

### **Code of Conduct Complaints**

- 15 In 2012, following the implementation of the Localism Act 2011 and associated changes to the Standards regime, the Monitoring Officer was appointed as the 'Proper Officer' to receive complaints of failure to comply with the Code of Conduct. The Monitoring Officer has delegated power, after consultation with the Independent Person, if appropriate, to determine whether a complaint merits formal investigation. Wherever practicable, the Monitoring Officer seeks resolution of complaints without formal investigation and she has discretion to refer decisions to a Standards Hearing where she feels that it is inappropriate for her to make the decision. The Standards Committee receives a quarterly report on the discharge of this function.
- 16 During 2019/2020 the number and breakdown of complaints regarding breaches of the Code of Conduct was as follows:

<b>Year</b>	<b>1 April 2018 to 31 March 2019</b>	<b>1 April 2019 to 31 March 2020</b>
<b>Total no. of complaints received</b>	96	49
<b>Source of Complaints</b>	Councillors 27 Members of the public 67 Parish/Town Council employee 2 Anonymous 0	Councillors 13 Members of the public 33 Parish/Town Council employee 2 Anonymous 1
<b>Complaints against including withdrawn and rejected</b>	County Councillors 13 Parish Councillors 30 Town Councillors 53 Dual-hatted 0	County Councillors 15 Parish Councillors 18 Town Councillors 16 Dual-hatted 0
<b>Independent Persons Involved</b>	The Independent Person was consulted in respect of 28 complaints.	The Independent Person was consulted in respect of 8 complaints.  The Independent Person also attended the Standards Hearing Panel on 17 September 2019.
<b>Outcomes</b>	No Further Action 70 Local Resolution 10 Investigation 9 Withdrawn/Rejected 7	No Further Action 32 Local Resolution 8 Investigation (relating to multiple complaints) 1 Standards Committee Hearing Panel (relating to multiple complaints) 1 Withdrawn/Rejected 13

- 17 There has been a reduction in the number of complaints received in 2019/2020 compared to the previous year. There has been a broadly even spread of complaints received from members of the public and Councillors which mirrors the previous year.
- 18 There has been a rise in the number of complaints which have been rejected on initial assessment or withdrawn prior to a decision being reached. In many instances a complaint has been rejected on the basis that it is evident that the Member was not acting in their capacity as a Councillor at the time of the alleged breach. This includes allegations relating to the employment of the Member, neighbour disputes and social media posts made in a personal capacity.

### **Work of the Standards Committee during 2019/2020**

- 19 During the year the Committee met on four occasions. The Committee received updates on the current status of complaints and of the 'national picture' on Standards issues affecting Local Government.
- 20 As part of the Work Programme the Committee considered the report of the Committee for Standards in Public Life in relation to ethical standards. The report detailed a series of best practice recommendations which were considered by the Standards Committee as part of the Code of Conduct review in June 2019. Of the 15 best practice recommendations 13 were considered by the Committee to already in place.
- 21 The Standards Committee recommended for full Council approval an update to the Code of Conduct to fully implement the best practice recommendations which were to be considered at the Annual Meeting of Council in May 2020. It was not possible to hold this meeting because of the Covid-19 pandemic. It is anticipated that these changes will be presented to Council in March 2021 as part of the annual review of the constitution.
- 22 In addition to the review of the existing Code of Conduct and complaints procedure, the Committee considered a revision to the Employee Code of Values, Behaviours and Conduct in respect of Gifts and Hospitality. The review recommended a number of amendments to the Code by way of clarification to make it easier for employees to understand their obligations in relation to Gifts and Hospitality. The recommendations of the Standards Committee were considered and approved by full Council on 4 December 2019.
- 23 The Standards Committee undertook a review of Member Code of Conduct on 'other relevant interests' which would allow Members with

such an interest to speak but not vote on the relevant item of business. The Committee agreed to the change and this update was scheduled to be considered by full Council in May 2020 as part of the annual Constitution review. Again, it is anticipated that these changes will be presented to Council in March 2021.

## **Training and Development**

- 24 The Monitoring Officer and Governance Solicitor in 2019/2020 delivered individual training to Members who have been subject to local resolution as well as those who have been newly elected as part of a member induction programme.
- 25 The Panel received a training session delivered by the Monitoring Officer and Governance Solicitor on how to conduct and manage Standards Hearing Panels.
- 26 On 17 February 2020, the Chair and Vice-Chair attended a training session on “Developments in Governance for Chairs and Vice-Chairs of Standards Committees and Independent Persons. The training included an update on the Local Government Association’s work on a draft model Code of Conduct, which was led by Durham County Council’s Monitoring Officer.

## **Moving Forward**

- 27 The Standards Committee remains dedicated to its responsibility to champion and promote high standards of conduct amongst the County’s local politicians.
- 28 The Committee’s work programme in 2020/2021 includes a review the appointment of the Independent Persons. It continues to monitor progress since the Committee in Standards in Public Life on local government ethical standards. This work will be covered in the Annual Report for 2021/22.

## **Background Papers**

- None

## **Further Information**

- None

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## **Appendix 1: Implications**

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### **Legal Implications**

The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles and to have in place arrangements under which allegations can be investigated and decisions made. The publication of an Annual Report aids the public understanding and awareness of the committee's work and demonstrates how the Council discharges its section 27 duty.

### **Finance**

There are no financial implications arising out of the report.

### **Consultation**

There are no consultation implications arising out of the report.

### **Equality and Diversity / Public Sector Equality Duty**

There are no equality and diversity implications arising out of the report.

### **Climate Change**

There are no climate change implications arising out of the report.

### **Human Rights**

There are no Human Rights implications arising out of the report.

### **Crime and Disorder**

There are no Crime and Disorder implications arising out of the report.

### **Staffing**

There are no staffing implications.

### **Accommodation**

There are no accommodation implications.

### **Risk**

There are no risk implications arising out of the report.

### **Procurement**

There are no procurement implications.

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**Standards Committee****9 December 2020****Independent Persons****Report of Helen Lynch, Head of Legal & Democratic Services and Monitoring Officer of the Council****Electoral division(s) affected:**

None.

**Purpose of the Report**

- 1 To inform members of the decision to extend the term of office of the two Independent Persons until 21 September 2021.
- 2 To invite Members to consider the recruitment of Independent Persons to take place prior to the expiry of the term of office of the existing Independent Persons on 21 September 2021 and any revision to the duration of the term of office for future appointments.

**Executive summary**

- 3 Durham County Council has two Independent Persons who are appointed in accordance with the Localism Act 2011. The Independent Persons were appointed in 2012 and their term was extended in November 2016 for a further four years.
- 4 The recruitment exercise for the appointment of Independent Persons was due to take place in advance of the expiry of the term of office with appointments to be approved by full Council. Following the cancellation of Council meetings in March 2020 due to the Covid-19 pandemic neither the Standards Committee or Council had the opportunity to consider or approve the recruitment of two Independent Persons in advance of the expiry of their term of office.
- 5 The Corporate Director of Resources, exercising the delegated power extended the term of office of the Independent Persons until 21 September 2021. This decision was taken in consultation with the Chair and Vice Chair of the Standards Committee as well as the Head of Legal & Democratic Services. The decision was reported at the full Council meeting on 21 October 2020.
- 6 Full Council is required to approve the appointment of the new Independent Persons prior to the expiry of the term of office of the existing Independent Persons on 21 September 2021.

- 7 In respect of the duration of the appointment, the Committee for the Standards of Public Life (CSPL) recommend having two Independent Persons who are appointed for a fixed term of two years and that they are only re-elected once.

### **Recommendation**

- 8 Members are asked to:
- (a) Note the decision of the Corporate Director of Resources to extend the term of office to 21 September 2021.
  
  - (b) Recommend for approval to full Council:
    - i. that a recruitment exercise be undertaken for the appointment of two Independent Persons and that this be conducted by the Head of Legal and Democratic Services (Monitoring Officer), the Deputy Monitoring Officer and the Chair of the Standards Committee; and
  
    - ii. that the term of office and re-appointment of Independent Persons be brought in line with the recommendations of the Committee for Standards in Public Life to a two-year term of office which is limited to one reappointment only; and
  
    - iii. a further report be presented to Council seeking to appoint two new Independent Persons.

## **Background**

- 9 The Localism Act 2011 sets out the requirements in relation to Local Government Standards and it requires the appointment by the authority of at least one Independent Person.
- 10 The functions of the Independent Person in relation to Standards are:
- They must be consulted by the authority and their views taken into account before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect to that member.
  - They may be consulted by the authority in respect of a Standards complaint at any other stage and;
  - They may be consulted by a member or co-opted member of the Council or a parish council against whom the complaint has been made.
- 11 The role of the Independent Person was widened under the Local Authority's (Standing Orders) England (Amendment) Regulations 2015 which came into force on 11 May 2015 and changed the localised disciplinary process. In the case of proposed disciplinary action against a statutory officer, the Council is required to invite the Independent Persons who have been appointed for the purposes of the Members Code of Conduct regime to form an independent panel and take into account any recommendation of that panel before taking a decision to discipline or dismiss.

## **Extension of Term of Office**

- 12 In September 2012 Mr John Dixon Dawson and Mr Peter Jackson were appointed as Independent Persons for Durham County Council and their re-appointment was confirmed in November 2016 for a further four years to 21 September 2020.
- 13 The appointment of the Independent Persons would have been considered prior to the expiry of the term of office however following restrictions to minimise the spread of the Covid-19 outbreak meetings of the Council were suspended in March 2020.
- 14 As it was not possible to hold Standards Committee or Council meetings before the expiry of the term of office, a decision was taken by the Director of Resources to extend the term of office of the Independent Persons to 21 September 2021. This decision was taken in consultation with the Chair and Vice Chair of the Standards Committee as well as the Head of Legal and Democratic Services. The decision was reported to full Council at its meeting on 21 October 2020.

- 15 The extension of the term of office ensured continued provision of the Independent Persons within County Durham who are experienced and suitably qualified. Both Independent Persons confirmed their willingness to continue in their role and have the term of office extended to the 21 September 2021.

### Recruitment Process

- 16 The proposed recruitment for the Independent Persons will broadly follow the same process as adopted in 2012. The table below shows an indicative timeline for the recruitment process and allows time for full Council to approve a revision to the duration of the term of office which is set out later in this report.

Advert for the appointment of Independent Persons placed in the local press and on the Council website.	24 March 2021
Closing date for applications and shortlisting	16 April 2021
Interviews conducted by the Head of Legal and Democratic Services (Monitoring Officer), the Deputy Monitoring Officer and the Chair of the Standards Committee	21 April 2021
Report to Council seeking approval of proposed appointments	July 2021
Report to Standards Committee confirming appointment	September 2021

### Duration of Appointment

- 17 In accordance with the Localism Act 2011, there is no prescribed time limit on the length of appointment of an Independent Person. There is provision set out at section 28(7)(c) a person may not be appointed under the provision required by subsection (7) unless—
- (i) the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,
  - (ii) the person has submitted an application to fill the vacancy to the authority, and

- (iii) the person's appointment has been approved by a majority of the members of the authority.

- 18 On 23 September 2015, Council agreed that the term of office for the Independent Persons should be set at four years from the time of appointment.
- 19 The Committee for Standards in Public Life (CSPL) report on Ethical Standards in January 2019 recommended as good practice that each authority has two Independent Persons, which is reflected in the Council's existing arrangements. CSPL also recommended that there is a fixed term of office however this requires a change to primary legislation. In the absence of primary legislation, it is possible for local authorities to determine their own arrangements. In Durham, the duration of the term of office is stipulated as four years with no restrictions on reappointment.
- 20 It is timely now, just before a recruitment exercise is commenced to review the term of office. Members are invited to consider whether they wish to revise the term of office to reflect the best practice recommended by CSPL.

### **Background papers**

- <https://democracy.durham.gov.uk/ieDecisionDetails.aspx?ID=16139>

### **Other useful documents**

- None

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## **Appendix 1: Implications**

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### **Legal Implications**

There is no prohibition to an extension of the term of office for the Independent Persons. In accordance with the Localism Act 2011 there is a requirement to have an Independent Person in place.

The Corporate Director of Resources exercised the delegated authority under Part 3, Table 1, Paragraph 12 of the Officer Scheme of Delegation, to extend the appointment of the Independent Persons.

### **Finance**

There were no additional costs incurred in respect of the extension of the term of office for the existing two Independent Persons. A recruitment exercise will involve costs in advertising and recruitment as well as subsequent training.

### **Consultation**

There was consultation with the Chair and Vice Chair of the Standards Committee who were supportive of the extension to ensure that Durham continued to have Independent Persons who are experienced and suitability qualified. This extension was supported in recognition of the practical difficulties which would be presented in obtaining Council approval of the appointment of the Independent Persons whilst Council meetings were suspended.

### **Equality and Diversity / Public Sector Equality Duty**

None.

### **Climate Change**

None.

### **Human Rights**

None.

### **Crime and Disorder**

None.

### **Staffing**

None.

### **Accommodation**

None.

### **Risk**

None.

**Procurement**  
None.

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