



## **Standards Committee**

**Date** Wednesday 3 March 2021  
**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 9 December 2020 (Pages 3 - 6)
4. Standards National Picture Update (Pages 7 - 14)
5. Code of Conduct Update (Pages 15 - 28)
6. Committee Work Programme (Pages 29 - 34)
7. Model Code of Conduct (Pages 35 - 80)
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  
23 February 2021

**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/Town Council Representatives**

Councillors T Batson and R Harrison

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**DURHAM COUNTY COUNCIL**

**STANDARDS COMMITTEE**

At a Meeting of **Standards Committee** held remotely via Microsoft Teams on **Wednesday 9 December 2020 at 9.30 am**

**Present:**

**Councillor B Kellett (Chair)**

**Members of the Committee:**

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

**1 Apologies for Absence**

Apologies were received from John Dixon Dawson, Independent Person.

**2 Declarations of Interest**

There were no declarations of interest.

**3 Minutes**

The minutes of the meeting held on 13 March 2020 were agreed as a correct record and would be signed by the Chair.

**4 Code of Conduct Update**

The Committee received 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).

Councillor E Bell asked what action was being taken to reduce the number of complaints relating to social media. The Governance Solicitor acknowledged that monitoring of trends shows there continues to be a high number of social media related complaints. The Committee noted that, prior to the COVID-19 pandemic, work began on the development of a social media toolkit and this piece of work, which had been delayed due to the disruption to work patterns during the pandemic, has resumed. The intention is to present the toolkit to the Standards Committee and other relevant committees, prior to circulating

the toolkit to all members, including members of parish and town councils. In addition, a training session is being planned to be held in the new year.

**Resolved:**

That the contents of the report be noted.

**5 National Picture - Standards Update**

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

The Monitoring Officer referred to the informal meeting of the Standards Committee held on 21st July 2020, at which members were consulted on the Local Government Association's draft model member code of conduct. The Committee was updated that the publication of the draft model code is imminent, and, upon publication, the draft model code will be presented to the Standards Committee to consider its adoption by the Council, with a view to aligning this with the annual review of the constitution in March 2021.

Councillor J Atkinson referred to social media complaints and asked if any trends had been identified, relating to specific members, which may indicate additional training requirements. The Monitoring Officer responded that she was not aware of any particular trends relating to individual members and she added that the toolkit aims to provide members with advice on how to manage their social media accounts, and, to ensure members are adequately trained and supported to make the best use social media, in a way in which it is safe to do so. Concerns are followed-up, and, where complaints involve informal resolution, or, a formal hearing, and, social media is a factor, it is likely that social media training would be delivered to the individual and this would include IT training to ensure no inadvertent misuse of social media is taking place.

**Resolved:**

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

**6 Annual Report of the Standards Committee 2019/2020**

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer on the Annual Report of the Standards Committee for 2019/2020 which informed on the work of the Committee during the year and set out the direction it intends to take during 2020/2021 (for copy see file of minutes).

The Monitoring Officer informed the Committee that the Annual Report, which was being presented slightly later than planned, showed a reduction in the number of complaints received in 2019/2020, compared to the previous year.

Members noted that Code of Conduct training will be held in the new year, which will be particularly useful if a new model code is adopted, and, the training may be held remotely.

Councillor J Clark expressed concern at the delay in presenting the Annual Report to Council. The Monitoring Officer explained that the impact of COVID-19 on the cycle of meetings had prevented the presentation of the Annual Report to Council in the autumn, as planned. However, it was important to highlight the governance work which had continued throughout the COVID-19 pandemic, therefore, a brief interim update would be provided, for the Chair to present to Council, together with the Annual Report.

Councillor J Atkinson commented on ethics in relation to decision making which had been the subject of a discussion at a recent Pension Fund Committee meeting he had attended. The Head of Legal and Democratic Services commented that the Standards Committee is concerned primarily with the conduct of members, and, ensuring appropriate mechanisms and governance frameworks are in place. She added that if Councillor Atkinson wished to discuss ethical decision making, particularly in relation to pension fund investments, she would be happy to meet with him, to do so.

**Resolved:**

That the Annual Report for 2019/2020 be noted and presented to the County Council in January 2021.

**7 Independent Persons**

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which informed members of the decision to extend the term of office of the two Independent Persons until 21 September 2021.

The report also invited 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 (for copy see file of minutes).

The Committee welcomed the proposal.

Councillor E Bell referred to the proposed two-year term of office and suggested it may be useful for training for the Independent Persons to include 'mock' Standards Committee meetings. The Monitoring Officer responded this could be incorporated into the induction programme for Independent Persons. She added that in addition to the quarterly ordinary meetings of the Standards Committee, there is close liaison with the Independent Persons, and, informal meetings are held to discuss issues arising.

**Resolved:**

That:

- (a) the decision of the Corporate Director of Resources to extend the term of office to 21 September 2021 be noted.
- (b) that the following be recommended 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. that a further report be presented to Council seeking to appoint two new Independent Persons.

**Standards Committee**

**3 March 2021**

**Standards National Picture 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.

**Recommendations**

- 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 As agreed by the Committee on 13 March 2020, as part of the annual Work Programme, this is 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.

## **South Tyneside Council – Councillor Robertson (19 January 2021)**

- 6 On 19 January 2021 the Standards Committee considered the investigation report of the Head of Corporate and External Affairs (Monitoring Officer) in respect of a complaint against Councillor Robertson.
- 7 The Councillor between the dates of 19 April 2019 and 13 October 2020 posted on a Facebook account in the name of ‘John Robertson’ a number of comments relating to Councillor Kilgour. This included calling her a ‘sick, nasty vindictive little excuse for a woman’. The Councillor accepted making the posts but vehemently denied that the posts were made in his official capacity.
- 8 The Investigating Officer found that the Councillor had been acting in his official capacity at the time of making the posts and that the contents amounted to a breach of the Code. The Investigating Officer recorded that the posts could reasonably be considered to be a personal criticism rather than a challenge to a political decision or idea.
- 9 This is another example of the difficulties presented when considering complaints relating to the use of social media. In this complaint the Councillor had two Facebook accounts however both were used in largely the same way. The Councillor confirmed that he did not have separate Facebook accounts for Council business and personal use, although he did have two separate Facebook accounts.
- 10 On Facebook Account 1 where the comments were posted, the Councillor was identifiable as a South Tyneside Councillor and the Investigating Officer found that the posts could reasonably be considered to have been made by Councillor Robertson in that official capacity. The posts shared on Facebook Account 1 were ‘public’, meaning anyone, including people not ‘following’ the account, could view them. The information on Facebook Account 1 fluctuated in the details it provided. Often there was no ‘Workplace’ shown but the profile

picture had been updated regularly during the relevant timeframe to include the Council Crest and information stating the name and contact details of 'Councillor John Robertson', including that John Robertson is "Councillor & Independent Alliance, opposition party Leader South Tyneside", details of Cllr Robertson's Council email address, details of the South Shields Town Hall address and details of the Council's website. Facebook Account 1 often posted during the relevant timeframe "Keep Calm and Vote Independent".

- 11 Facebook Account 2 was also in the name of 'John Robertson and there appeared to be no real difference between the two accounts in the opinion of the Investigating Officer, the account details were largely mirrored except Facebook Account 2 did at the time of the investigation state 'Work' as 'South Tyneside Independent Councillor'.
- 12 Facebook Account 1 was considered to be used for both personal and official purposes i.e. postings made as a Councillor. It is noted by the Investigating Officer that in a number of posts during the relevant timeframe, the Councillor had commented directly on council business rather than just wider political issues. The Investigating Officer had the strong view that these could, at the very least, give the impression that the Councillor was posting on Facebook Account 1 in an official capacity and as a representative of the Council.
- 13 The Councillor maintained at all times that he was not acting, claiming to act or giving the impression he was acting as a Councillor nor as a representative of the Council at the time of making these posts. The Councillor stated that he had not been provided with adequate advice or guidance in respect of the Code by any Council officer or Senior Elected Member. The Investigating Officer was able to provide details of training delivered and information sessions provided. Also, the Councillor had signed a declaration that he had read the documents. It was noted by the Investigating Officer that Code does not make allowance for inexperience however it was accepted as a separate exercise the training to both new and existing Councillors could be enhanced.
- 14 The Standards Committee, chaired by an Independent Chair were asked to determine whether, on the balance of probability, the grounds of complaint were upheld and decide whether or not there is evidence of any failure by the Councillor to comply with the Code of Conduct.
- 15 The Standards Committee considered the evidence including the report of the Investigating Officer. The Investigating Officer had accepted that there is an important but subtle distinction between the public perception of when a Member is acting in an official capacity and when, in fact and in law, the Member is actually acting in an official capacity. The Investigating Officer detailed that it was reasonable, having

considered the information provided to the Councillor on induction, that he ought to have reasonably been aware that his comments that are subject to complaint i.e. public conduct including statements made on publicly-accessible social media, in relation to Councillor Kilgour could have given the impression that he was acting in an official capacity. To suggest otherwise is seeking a very narrow understanding of public and private capacity which the Investigating Officer suggested would be undermine public confidence.

- 16 The Standards Committee determined that the Member had breached the Code of Conduct in respect of the allegations and imposed the sanction of formal 'censure' and banning him from attending the Jarrow and Boldon Community Action Forum for three months which will result in him missing at least one session.

### **Cottingham Parish Council – Councillor Duke (July 2020)**

- 17 The Monitoring Officer submitted a report detailing the local investigation of complaint concerning Councillor Duke of Cottingham Parish Council to the Assessment Sub-Committee in July 2020.
- 18 It was alleged that the Councillor had acted beyond his powers as a parish councillor by removing an advertising board at the complainant's shop and that whilst doing so he had intimidated the complainant's daughter who was working at the shop.
- 19 Following an investigation, the Monitoring Officer had concluded that no further action should be taken as it had not been possible to establish whether a breach of Cottingham Parish Council's Code of Conduct had occurred.
- 20 The views of the Independent Person had also been sought who commented that it was regrettable that the complainant's daughter had endured an unpleasant scene whilst at the shop. Although the complainant believed that they had identified the male concerned, from an online picture, as the Councillor, the Councillor had been elsewhere on the day that the incident occurred and had confirmation from his client and an associate. The CCTV footage which the complainant possessed and which may have been helpful was no longer available for the Investigating Officer to consider.
- 21 The Independent Person was satisfied that the report by the Investigating Officer was comprehensive in covering differing avenues of thought and felt it to be very balanced but was sorry that it did not lead to a clear cut resolution for either party but was in agreement that there was doubt and insufficient evidence to reasonably conclude that there had been breaches of the Code of Conduct.

- 22 The Assessment Sub-Committee heard that the Councillor on the day in question was working from 8.45am to 4.15pm breaking concrete on a driveway. The Monitoring Officer told the Sub Committee "Councillor Duke says he was elsewhere. I cannot see a clear way of coming down on one side or the other because would imply one party is being dishonest."
- 23 The Assessment Sub-Committee agreed that no further action could be taken, as it is not possible to establish whether a breach of paragraphs of the Code of conduct.

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

- 24 At the Standards Committee on 9 December 2020 Members received a report from the Monitoring Officer informing of the update provided to the Committee for Standards in Public Life (CSPL) on the progress made on the best practice recommendations. CSPL had confirmed that the outcome of their request for progress updates would be published. This has been published as the progress made by the authorities who have responded can be found at <https://www.gov.uk/government/publications/local-government-ethical-standards-progress-made-against-best-practice-recommendations>.
- 25 CSPL in its review found that the vast majority of Councillors and Officers wanted to maintain the highest standards of conduct in their own authority. This was also reflected in the positive responses received from local authorities which had been received that that they have already implemented or are taking steps to implement our best practice recommendations.
- 26 Many of the councils had elements of the best practice in place and were reviewing their practices to comply fully. For example, with respect to the best practice recommendation: Codes should have prohibitions on bullying and harassment, many councils said that their codes contained provisions that members should treat others with respect. With respect to our best practice recommendation: Councillors should comply with formal standards provisions, many councils said that whilst not explicitly articulated in their code, such provisions were contained within their protocols and procedures for handling standards complaints.
- 27 Of the 213 local authorities who had responded by 17 December 2020:
- 75.6 % said they have prohibitions on bullying and harassment in their code of conduct, or were putting them into place. Other councils we heard from were waiting for finalisation of the LGA model code of conduct to review how best to include prohibitions on bullying and harassment.

- 51.2 % said they have provisions in their code of conduct requiring councillors to comply with formal standards investigation. Most of the other councils we heard from said that they were waiting to see what the LGA model code of conduct looked like before they adapted their own codes of conduct to incorporate our best practice.
- 98.6 % said their code is readily accessible or were making changes to make the code accessible - published and available on council premises.
- 86.4 % said they update their gifts and hospitality register regularly and have made it readily accessible to the public.
- 98.6 % said they consulted an Independent Person as to whether to undertake a formal investigation on an allegation.
- 98.6 % said they had clear guidance on their websites informing members of the public how to make a complaint under the code of conduct.
- 93.9 % said that their senior offices had arrangements for meeting with political group leaders/whips to discuss standards issues.

29 CSPL had recommended that a Model Code of Conduct would be prepared and presented to Councils to consider adoption. The LGA have prepared the Model Code of Conduct and a separate report on this is presented within the items to be considered by the Committee on 3 March 2021. CSPL also made a series of recommendations to Government on reforms including those which would require changes to primary legislation. To date the Government has not responded to the recommendations of the CSPL despite its publication in January 2019.

### **Background papers**

- None

### **Other useful documents**

- <https://www.shieldsgazette.com/news/politics/council/jarrow-councillor-banned-from-committee-over-facebook-comments-about-rival-3141080>
- <https://www.southtyneside.gov.uk/article/60220/Committee-meeting?formid=147785&pageSessionId=b758e9d5-9fbb-4c72-97d6-26ffa9169ca6&fsn=eefdd6e4-5dc9-47e0-981b-375844b55e08>

- <https://www.eastriding.gov.uk/council/committees/standards-committee/standards-committee/>

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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**

None.

### **Consultation**

None.

### **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.

**Standards Committee**

**3 March 2021**

**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 13 formal complaints received between 1 December 2020 and 23 February 2021 and 5 final decision notices have been issued in the last period and the outcome of each complaint is included in Appendix 2.
- 5 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 4 complaints were rejected at the pre initial assessment stage, these complaints were rejected as they mirrored a complaint which had already been determined.
- 6 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.

## **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 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.	<p>1. Respectful</p> <p>2. Shall not behave in a manner which would be considered bullying or intimidatory;</p> <p>3. Shall not seek to improperly confer an advantage or disadvantage on any person;</p> <p>5. he/she shall not share, discuss or disclose information to others which is confidential</p>		Ongoing - IP consulted.
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>	14.12.2020	The Standards Hearing Panel considered this complaint on 14 December 2020 and determined that there had been a breach of the code of conduct. The Member was required to issue an apology and participate in training offered to all Members.
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.	4.3 (h) Behave in accordance with all legal obligations,	01.12.2020	Local Resolution – Member required to undergo training with the Monitoring Officer on the Code of Conduct and

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
				4.3 (j) Respect		Member Officer Relations Protocol to promote high ethical standards. There appears to be a genuine misunderstanding which has escalated into complaints by each party against the other. The Member completed the training with the Monitoring Officer.
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
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.	17.12.2020	No further action – The Member was not acting in her official capacity when making these comments and therefore the procedure for member code of conduct was not applicable.
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

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
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 believes that the Member allowed a meeting to take place unlawfully.	6. Comply with Standing Orders, policies and procedures adopted by the Council.	17.12.2020	No further action – the complaint related to a procedural point which was not a member code of conduct matter. The challenge as to whether the meeting was lawfully convened is a matter for the Courts to determine and is not subject to the Code of Conduct process.
COM 317	Town	26.11.20	At the Town Council Meeting on Tuesday 24 November 2020 the Member is heard to using bad language. The comment was made following the results of a co-option to the Town Council being announced. During the meeting the Member acknowledges that he used bad language which may have been heard and he apologised for the use of the word.	Paragraph 1 - he/she shall behave in such a way that a reasonable person would regard as respectful at all times, and not bring the Town Council or their office into disrepute;	15.01.2021	Local resolution – The Member was recommended to undergo training on meeting etiquette and training on the features of the meeting platform. The Member could not be heard using bad language however his actions i.e the apology issued in the meeting seemingly unprompted suggest that he did use bad language.
COM 318, 320, 321	Town	27.11.20 – 15.12.20	The Member attended the Cenotaph on remembrance Sunday wearing her Chain of Office and remained there for two hours which included having photos. It was alleged that this was inappropriate for her to attend the location and was contrary to government guidelines to move away once the wreath was laid.	Para 1 Respectful Para 3. Disrepute	05.02.21	No further action – The actions of the Member were not contrary to the guidance at the time. The member provided an explanation as to why she remained in the area after the service. The attendance of the member at the service was not contrary to the regulations in place at

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
						the time. The event was permitted by the regulations with certain persons being permitted to attend and participate which included Councillors and MPs.
COM 319 (x5 Cllrs)	Parish	30.11.2020	It was alleged that the Members agreed to a proposal relating to a playing field due to their personal relationship with the applicant and that they failed to declare an interest, specifically their relationship with the applicant. The Complainant alleged that the Members had misled the public with information in the Winter Newsletter which was inaccurate.	<p>3. Shall not behave in a manner which a reasonable person would regard as likely to bring the Council, or his/her office as a member of the Council into disrepute.</p> <p>4. shall not seek to improperly confer an advantage or disadvantage on any person.</p> <p>7. He/She will be required to declare an interest at the meeting,</p>	15.01.21	No further action – there had been no agreement by the Council to agree to the application of the applicant, only to set up a working group and consider further. There was no evidence to support the suggestion that there was a personal relationship between the Members and the Applicant, and the newsletter has been agreed by all Members of the Council not only those subject to the complaint.
COM 322, 323 and 324	Town	04.01.21	<p>The Member made a post on Facebook suggesting the removal of an officer post from the Town Council. There was also a suggestion that the Member required that the officer to attend a budget workshop meeting where he sought to single out the officer.</p> <p>The Member published an email between a Member and an officer of the Council on social</p>	<p>1 – Respect</p> <p>2 – Bullying</p> <p>5 – not to disclose confidential information.</p> <p>6. Must act in accordance with all procedures.</p>		Ongoing

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
			<p>media which is considered to be a data breach and has been reported to the ICO.</p> <p>There have been instances since November 2019 to December 2020 where the Member has targeted the Complainant and undermined the Complainants role within the Council by making comments at meetings and on social media. It is alleged that the conduct of the Member amounts to a breach of the code as well as the social media policy and member officer protocol.</p>			
COM 325	Town	07.1.2021	<p>It is alleged that the Member on 30.12.2020 posted comments on Facebook on Ferryhill Community Points of View which were considered to be contrary to the code. The comment on Facebook read:</p> <p>“If you don’t have to wear a mask, then I believe you should indicate so. Certainly, the young man and woman behind me in the queue didn’t appear to be physically compromised. And before you play the mental illness card, they didn’t appear to be wrangling with demons either. Just saying.”</p>	<p>(a) Champion the needs of residents –</p> <p>(h) Behave in accordance with all legal obligation, alongside any requirements contained within the Council’s policies, protocol and procedures, including on the use of the Council’s resources</p> <p>(j) Always treat people with respect,</p>	01.02.2021	No further action – the Member denied that he was acting in his official capacity when making the comment. There was no evidence to establish that the Member was acting in his official capacity and therefore the outcome could be only one of no further action.
COM 326	Parish	15.01.2021	<p>The Complainant has been an officer of the Council since March 2019 and during the employment it is considered that the Member has bullied, harassed and intimidated the Complainant. There has been a pattern of conduct and on 5th January this came to a head which has</p>	<p>Para 1 – He/she shall behave in such a way that a reasonable person would regard as respectful</p>		Awaiting Member response.

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
			now prompted the Complainant to raise this complaint. The Complainant lists the examples of conduct and how this demonstrated a breach of the code.	Para 3 – He/she shall not behave in a manner which a reasonable person would regard as likely to bring the Council, or his/her office as a member of the Council into disrepute. Para 6 – he/she shall not disclosure information which is confidential or where disclosure is prohibited by law.		
COM 327	Town	19.01.21	An Employment Tribunal claim was brought against the Council. The Tribunal in its Judgement dated the 4th January 2021 upheld two allegations, namely that the employee had been unfairly dismissed and was subject to disability discrimination by way of a failure to make reasonable adjustment. The Complainant was not the Claimant in the Employment Tribunal but is aware of the Judgement which has been widely reported. The Complainant asserts that the conduct of the Council as recorded in the Judgement demonstrates breaches of the code.	1. Respect 2. Not to intimated or improperly influence 3. not to compromise the impartiality of anyone who works for or on behalf of the Council. 4. Not to behave in a matter which would bring the Council or office into disrepute. 6. To comply with any Standing Orders, policies and procedures adopted by the Council		Ongoing.

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
COM 328 and 334	DCC	21.01.21 - 04.02.21	<p>The Member has posted on social media private and personal information about the complainant without her permission. This has jeopardised her role as a foster carer. It is considered that there has been a breach of the code of conduct and a breach of the data protection act.</p> <p>Member 1 posted and Member 2 shared the post which confirmed the voting of the complainant and others at a Council meeting. This is said to have been done with a view to damage the standing of the Complainant and others. It is acknowledged that the post has been edited by Member 1 however the damage to another councillor had been done.</p>	<p>4.3 (j) Always treat people with respect, including the organisations and public they engage with and work alongside;</p> <p>(l) Not disclose information given to them in confidence by anyone or information acquired, which they believe, or ought reasonably to be aware, is of a confidential nature, without express authority and/or unless the law requires it.</p>	22.02.21	No further action - The information was available in the public domain, there was nothing within the post which had not already been disclosed by the Complainant regarding her role as a foster carer. The member did amend the post to remove the reference to the foster carer w/p to assist the investigation. this was a factual post where the position of the Complainant was relevant to the item under consideration specifically the parental leave policy and that she voted against this. The meeting and voting record is publicly available.
COM 333	Parish	01.02.2021	<p>It is alleged that the Member is posting on social media inflammatory, misleading and incorrect comments regarding the council which is resulting in residents responding to these false statements. The member has shown disrespect towards fellow Councillors, examples of which include:</p> <ul style="list-style-type: none"> <li>At a meeting in December the member stated that the Council were trying to stop the public from attending the meetings which was untrue.</li> <li>She has accused the council of fobbing off residents regarding the workings of the</li> </ul>	1. He/she shall behave in such a way that a reasonable person would regard as respectful		Ongoing

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
			<p>council asking for things in meetings and being refused and not being transparent again attacking their integrity.</p> <ul style="list-style-type: none"> <li>At a meeting in March she showed disdain for the council by turning her back to the members, facing the Public and making remarks that caused further anger to the council.</li> </ul> <p>The actions of this member has resulted in the resignation of Councillors and there is a concern that others will follow suit.</p>			
COM 336	Town	15.02.2021	<p>The Member was seen to be smoking/vaping during the Resources committee meeting held on Monday 8th February 2021. This meeting was official council business.</p> <p>The Council has a no smoking policy, which includes vaping. The policy at paragraph 2.3 reads "Elected members can smoke/vape when they are not on official council business or within council premises."</p> <p>The Chair at a meeting of the Council on 21st December 2020 reminded members of the policy to not smoke/vape or drink alcohol during a meeting as they would be in breach of the code of conduct and standing orders</p>	<ol style="list-style-type: none"> <li>They shall behave in such a way that a reasonable person would regard as respectful.</li> <li>They shall not behave in a manner which a reasonable person would regard as likely to bring the Council, or their office as a member of the Council into disrepute.</li> </ol>		Awaiting Member response
COM 337			<p>The Complainant had received an email regarding a temporary road closure. The Complainant followed this email up and as a consequence was</p>	<p>1. he/she shall behave in such a way that a reasonable person</p>		Awaiting Member response.

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
			warned that if her conduct continued a referral would be made to the standards board. Following the email the officer presented this to the Member who responded to the officer "More dross. Quelle surprise", the complainant was not copied into the response.	would regard as respectful at all times, and not bring the Town Council or their office into disrepute; 2. he/she shall not act in a way which a reasonable person would regard as bullying or intimidatory;		

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**Standards Committee**

**3 March 2021**

**Committee Work Programme**



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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 the Committee of the progress against the Work Programme agreed on 13 March 2020.

**Executive summary**

- 2 There is no requirement for the Committee to have a work programme. However, it is considered good practice to have one as it helps demonstrate the work done by the Committee in promoting and maintaining high standards of ethical conduct throughout the year.
- 3 On 13 March 2020, the Standards Committee approved a work programme in relation to the roles and functions of the Committee for the municipal year 2020/21.

**Recommendations**

- 4 The Standards Committee is recommended to note the progress against the work programme approved on 13 March 2020 for 2020/21

## Background

- 5 The terms of reference of the Standards Committee are set out in Article 7 of the Constitution. They are as follows:
- (a) 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; and
  - (k) overview of the Protocol on Member/Officer Relations

- 6 On 13 March 2020, the Committee approved the work programme, which is consistent with the above Terms of Reference. A copy of the Programme, which has been updated to reflect the work done by the Standards Committee is attached at Appendix 2 to this report.

### **Work Programme 2020/2021**

- 7 The Committee will note that there has been disruption to the meeting schedule and the work programme for 2020/21 arising from the Covid-19 restrictions on meetings. The meetings of June and September 2020 were cancelled as a result.
- 8 An informal meeting of the standards committee took place on 21 July 2020 for members of the Committee and the Independent Persons to comment on the Local Government Association model code of conduct consultation. It was not possible due to the disruption of meetings to present the review of the Member Guidance on the use of social Media. It is proposed that this item will be considered as part of the work programme for 2021/22, which will be presented to the Committee for approval at its first meeting of the municipal year.
- 9 The recruitment of Independent Persons and the Standards Committee Annual Report were considered by the Committee in December 2020 and full Council in January 2021.
- 10 Since the Committee's meeting in December, the Local Government Association have published the model Member Code of Conduct, which has therefore been added to the work programme and is considered elsewhere on the agenda for the March 2021 meeting. In.

### **Work Programme 2021/2022**

- 11 At its first meeting in 2021/2022, the Committee will be asked to agree its work programme for the year.
- 12 It is anticipated that the programme will continue to include the standing items in relation to local and national code of conduct issues together with any other issues which arise throughout the year. For example, it is anticipated that the Government will publish its response to the Committee in Standards in Public Life Report published in January 2019. As explained above, the outcome of the recruitment of Independent Persons and a review of the social media guidance for members will also be included.
- 13 Additionally, in view of this being an election year it will be timely to review the appointment of the Town and Parish co-opted members and

the procedure to be adopted for appointment to the Standards Committee as part of the 2021/2022 work programme.

### **Background papers**

- None

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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 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 is anticipated that a planned work programme to deal with the specific roles and functions of the Committee, as set out in the Constitution, will assist compliance with this duty.

### **Finance**

There are no financial implications arising out of the report.

### **Consultation**

None.

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

None.

### **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 within this report.

### **Procurement**

There are no procurement implications.

## Appendix 2: Work Programme 2020/21

Meeting	Item	Date Considered
4 June 2020	<ol style="list-style-type: none"> <li>1. Review of national standards picture.</li> <li>2. Complaints update.</li> <li>3. Appoint of Independent Persons.</li> <li>4. Review of Member Guidance on the use of Social Media.</li> </ol>	<p>Deferred due to cancellation</p> <p>Deferred due to cancellation</p> <p>9 December 2020</p> <p>Not considered in 2020/21</p>
4 September 2020	<ol style="list-style-type: none"> <li>1. Review of national standards picture.</li> <li>2. Complaints update.</li> <li>3. Annual Report 2019/2020.</li> </ol>	<p>Deferred due to cancellation</p> <p>Deferred due to cancellation</p> <p>9 December 2020</p>
9 December 2020	<ol style="list-style-type: none"> <li>1. A Review of national standards picture.</li> <li>2. Complaints update.</li> </ol>	<p>9 December 2020</p> <p>9 December 2020</p>
3 March 2021	<ol style="list-style-type: none"> <li>1. Review of national standards picture.</li> <li>2. Complaints update.</li> <li>3. Work programme review.</li> <li>4. LGA Model Code of Conduct.</li> </ol>	<p>3 March 2021</p> <p>3 March 2021</p> <p>3 March 2021</p> <p>3 March 2021</p>

**Standards Committee****3 March 2021****Model Code of Conduct****Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer****Electoral division(s) affected:**

Countywide.

**Purpose of the Report**

- 1 To introduce the new Model Code of Conduct prepared by the Local Government Association and for the Committee to consider whether to adopt the Code in whole or in part.

**Executive summary**

- 2 Following recommendations from the report of the Committee for Standards in Public Life (CSPL) on Ethical Standards in Local Government published on 30 January 2019, the Local Government Association produced a Model Code of Conduct, which was published on 23 December 2020.
- 3 Councils are invited to consider whether to adopt the Model Code of Conduct. This report sets out the background to the report of the Committee for Standards in Public Life and the progress which has been made to develop and produce the Model Code of Conduct for Councils to consider adoption of.
- 4 The Standards Committee in June 2019 agreed a series of changes to the existing Durham Code of Conduct in light of the recommendations from the CSPL. The proposed changes are due to be considered and approved by full Council on 24 March 2021.
- 5 A comparison between the Model Code of Conduct and the proposed update to the Durham Code of Conduct shows that much of the Model Code is already encompassed within the Durham County Council Code of Conduct.

## **Recommendations**

- 6 The Standards Committee is recommended:
- (a) to consider and comment on the Local Government Association Model Code of Conduct;
  - (b) to consider whether to recommend to Council that the Model Code of Conduct is adopted in full or in part.

## Background

- 7 On 30 January 2019, the Committee on Standards in Public Life (CSPL) produced a report on Local Government Ethical Standards. The report found that there is considerable variation in the length, quality and clarity of local authority Codes of conduct. CSPL made 26 formal recommendations and 15 best practice recommendations intended to improve local government ethical standards and improve public confidence in the arrangements.
- 8 Under the Localism Act 2011, the Council must adopt a Code of conduct. There is requirement that a council's Code, when viewed as a whole, must be consistent with the seven principles of public life of selflessness, integrity, objectivity, accountability, openness, honesty and leadership (the Nolan Principles). In addition, the Code must include provision for the registration and disclosure of (a) pecuniary interests and (b) other relevant interests. There is no mandatory Code of Conduct.
- 9 It was recommended that the Local Government Association (LGA) produce an updated Model Code of Conduct to be adopted by principal, Town and Parish Councils. Accordingly, the LGA developed a Code in consultation with key partners and all tiers of local government.
- 10 The Committee will recall that it met informally in July 2020 to provide comments on the draft Code, which were submitted to the LGA. A copy of the consultation response is attached at Appendix 2.
- 11 The final Model Code was published on 23 December 2020 and is attached at Appendix 3 to the report.
- 12 Prior to the consultation on the draft Model Code, the Standards Committee agreed to review the Durham County Council Code (the Code) of Conduct in light of the 15 best practice recommendations of the CSPL. At its meeting on 7 June 2019, the Committee noted that the Council's arrangements already reflected 12 out of 15 of the recommendations. It resolved to make changes to the Code, the Council's website and complaint procedures to ensure that all recommendations were fully reflected.
- 13 Changes to the website and the procedures were implemented immediately thereafter. Changes to the Member Code of Conduct require the approval of full Council. It was intended that these would be considered as part of the annual review of the Constitution in May 2020. However, as a result of the Covid-19 pandemic, the annual meeting of Council was not held. The changes will be presented to Council on 24 March 2021 for approval. A copy of the current Member Code of

Conduct (which includes the proposed amendments to reflect best practice) is at Appendix 4.

### **The new Model Code of Conduct.**

- 14 The main points covered in the LGA Model Code of Conduct are summarised below:
- (a) The Code explicitly states that it applies to Councillors who are claiming to act as a Councillor or who give the impression that they are doing so as well as where a Councillor refers publicly to their role or uses knowledge they could only obtain in their role as a Councillor. This does not extend to a rebuttable presumption of acting in official capacity at all times as this will require a change to primary legislation.
  - (b) The Code gives examples of what amounts to treating others with respect but also how to deal with disrespectful behaviour from others. The term “respect” is favoured over “civility”.
  - (c) Definitions of bullying and harassment are included and there is an express requirement to promote equalities and to not discriminate unlawfully.
  - (d) Councillors must not bring their role or local authority into disrepute.
  - (e) Councillors must agree to undertake any Code of Conduct training provided, co-operate with a Code of Conduct investigation, not intimidate any person involved in any investigation and comply with any sanctions imposed.
  - (f) There is an obligation to register any gifts or hospitality regardless of value which could give rise to real or substantive personal gain.
  - (g) Gifts or hospitality of £50.00 or more in value must be registered as must any that have been refused.
  - (h) In addition to the statutory Disclosable Pecuniary Interests, there is a requirement to register membership of any body exercising functions of a public nature, directed to charitable purposes or one of whose principle purposes includes the influence of public opinion. This only applies to bodies to which the Councillor has been appointed by the Council and mirrors those memberships that were required to be registered under the 2007 national Code of Conduct.

- 15 A table showing the comparison between the LGA Model Code and the proposed Durham Code is shown at Appendix 5.
- 16 The Standards Committee will note that of the updates to the Model Code of Conduct the majority of points are either already covered within the Code or included in the recommendations to Council on 24 March 2021.
- 17 The Model Code will be kept under review on an annual basis. The Government is still to respond to the CSPL report and recommendations. Some of the 26 recommendations including those relating to the scope of the Member Code and the introduction of sanctions require legislative changes. In the absence of such changes within the Model Code, Members may wish to consider whether they recommend any changes to the Code at this stage or wait for any developments following the Government's response.

### **Bench Marking**

- 18 There has been a mixed response to the LGA Model Code with some councils adopting in full, others in part and others not at all.
- 19 In a survey with Monitoring Officers and Deputy Monitoring Officers conducted by Lawyers in Local Government, the following findings were revealed from 82 responses:
  - 20% have or intend to adopt the Model Code in full.
  - 20% will adopt in parts of the Model Code.
  - 55% have decided not to adopted the Model Code, of which:
    - 25% will not be adopting the mode Code or changing their Code
    - 30% not adopted the Model Code in full or in part but are looking to make some changes to their own Code independently.
  - 5% are undecided at this time
- 20 It is understood that the position in the North East reflects the findings of the LLG survey with those that responding to enquiries not minded making changes at this stage, make minor amendments to reflect the best practice recommendations or undecided.

### **Background papers**

- None

## Other useful documents

- None

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### Author

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. The LGA Model Code is intended to assist local authorities to discharge those duties.

### **Finance**

None.

### **Consultation**

The report summarises the consultation undertaken in preparing the new Model Code of Conduct. The Standards Committee's consultation response is appended to the report.

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

Whilst there are no direct equality/Public sector equality duties arising out of the report, the Council's existing Code and the Model Code include obligations on members to comply with the public sector equality duty and the Council's equalities policies and procedures.

### **Climate Change**

None.

### **Human Rights**

None.

### **Crime and Disorder**

None.

### **Staffing**

None.

### **Accommodation**

None.

### **Risk**

None.

### **Procurement**

None.

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### 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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### **Local Government Association**

### **Model Councillor Code of Conduct 2020**

#### **Joint statement**

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

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

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

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

## **Introduction**

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

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

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

## **Definitions**

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

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

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

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

## **Purpose of the Code of Conduct**

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

## **General principles of councillor conduct**

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

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

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

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

In undertaking my role:

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

## **Application of the Code of Conduct**

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

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

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

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

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

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

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

## **Standards of councillor conduct**

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

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

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

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

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

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

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

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

## **2. Bullying, harassment and discrimination**

### **As a councillor:**

#### **2.1 I do not bully any person.**

#### **2.2 I do not harass any person.**

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

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

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

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

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

### **3. Impartiality of officers of the council**

**As a councillor:**

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

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

### **4. Confidentiality and access to information**

**As a councillor:**

#### **4.1 I do not disclose information:**

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

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

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

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

## **5. Disrepute**

**As a councillor:**

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

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

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

## **6. Use of position**

**As a councillor:**

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

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

## **7. Use of local authority resources and facilities**

**As a councillor:**

### **7.1 I do not misuse council resources.**

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

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

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

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

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

## **8. Complying with the Code of Conduct**

### **As a Councillor:**

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

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

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

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

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

## **Protecting your reputation and the reputation of the local authority**

### **9. Interests**

#### **As a councillor:**

**9.1 I register and disclose my interests.**

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

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

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

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

## **10. Gifts and hospitality**

**As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

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

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

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

#### **Integrity**

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

#### **Objectivity**

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

#### **Accountability**

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

#### **Openness**

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

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

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

## Appendix B Registering

### interests

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

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

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

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

### Non participation in case of disclosable pecuniary interest

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

### Disclosure of Other Registerable Interests

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

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

## Disclosure of Non-Registerable Interests

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

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

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

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

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

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

**Table 1: Disclosable Pecuniary Interests**

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

<b>Subject</b>	<b>Description</b>
<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 Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

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

**Table 2: Other Registerable Interests**

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> <li>a) any body of which you are in general control or management and to which you are nominated or appointed by your authority</li> <li>b) any body <ul style="list-style-type: none"> <li>(i) exercising functions of a public nature</li> <li>(ii) any body directed to charitable purposes or</li> <li>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</li> </ul> </li> </ul>
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## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

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

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

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

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

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***

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**Appendix 2: Existing Code of Conduct showing proposed changes**

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**CODE OF CONDUCT  
FOR MEMBERS**

**Adopted by Durham County Council on [DATE]**

## CODE OF CONDUCT FOR MEMBERS

### The County Council of Durham Code of Conduct for Members

1. The County Council of Durham (“the Council”) has adopted the following code which has effect from [date] and will be reviewed annually. The Code which sets out the conduct that is expected of elected and co-opted members of the Council when they are acting in that capacity.
2. This means the code applies whenever you:
  - (a) conduct the business of the Council (including the business of your office as an elected councillor or co-opted member); or
  - (b) act, claim to act or give the impression you are acting as a representative of the Council.
3. ‘Co-opted member’ means any person who is a member of any committee or sub-committee of the Council with a right to vote but is not one of its elected members

### Part 1 – General Conduct

4. Members and co-opted Members of Durham County Council (“the Council”) are expected to undertake their duties as follows:
  - 4.1 Represent the community and work constructively with employees and partner organisations to ensure the area is a safer place to live, work and visit.
  - 4.2 Behave in a manner that is consistent with the following principles to achieve best value for residents and maintain public confidence in the Council:
    - (a) **Selflessness:** act solely in terms of the public interest and not act in such a way as to gain financial or other material benefits for themselves, their family or friends;
    - (b) **Integrity:** not placing themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties;
    - (c) **Objectivity:** make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits;

- (d) **Accountability:** be accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office;
- (e) **Openness:** be as open as possible about all the decisions and actions they take, and give reasons for decisions and restrict information only when the wider public interest or the law clearly demands;
- (f) **Honesty:** declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- (g) **Leadership:** promote and support these principles by leadership and example.

4.3 Act in accordance with the principles in paragraph 4.2 and, in particular:

- (a) Champion the needs of residents - the whole community and all constituents, including those who did not vote for them - and put the public interest first;
- (b) Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially;
- (c) Not allow other pressures, including the financial interests of themselves or others connected to them, to deter them from pursuing the interests of the Council or the good governance of the Council in a proper manner;
- (d) Exercise independent judgement and not compromise their position by placing themselves under obligations to outside individuals or organisations who might seek to influence the way they perform their duties as a Member/ Co-opted Member of the Council;
- (e) Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit;
- (f) Be accountable for decisions and cooperate when scrutinised internally and externally, including by local residents;

- (g) Contribute to making the Authority's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding the Authority to account but restricting access to information when the wider public interest or the law requires it;
- (h) Behave in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources;
- (i) Value colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government;
- (j) Always treat people with respect, including the organisations and public they engage with and work alongside;
- (k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority;
- (l) Not disclose information given to them in confidence by anyone or information acquired, which they believe, or ought reasonably to be aware, is of a confidential nature, without express authority and/or unless the law requires it.
- (m) Not to bully or harass any person (including specifically any council employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of the code of conduct.

Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

Bullying and/or harassment may take many forms, it could include but is not limited to age, disability, gender reassignment, race, religion, belief, sex and/or sexual orientation.

4.4 It is expected that Members will at all times comply requests as part of Code of Conduct investigations and any arising outcomes. Members will not submit malicious or trivial complaints.

4.5 Where it is alleged that a Member has failed to act in accordance with the Code, a complaint will be presented to the Monitoring Officer for consideration in accordance with the Local Assessment Procedure and where necessary the Local Determination Procedure.

## **Part 2 - Registration of interests**

### **Register of Interests**

5.1 Members must:

- (a) register and, where appropriate, disclose those disclosable pecuniary interests that they are obliged to declare under the Localism Act and associated regulations; and
- (b) register any body of which they are a member (or in a position of general control or management) to which you were appointed or nominated by the Council; and
- (c) register details of their membership of any organisation or body whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation or body. This could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation or body. Such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national or international aspect; and
- (d) register details of my membership of any trade union within the meaning of Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

5.2 Registration of interests shall be completed by provision of details upon a signed prescribed form which is submitted to the Monitoring Officer at Durham County Council. Members must ensure they keep the register updated and acknowledge that its contents will be published on the Authority's website and will be open to the public to inspect.

## **6. Disclosable Pecuniary Interests Entered on the Register**

If Members are present at a meeting of the Authority and:

- (a) they are aware that they have a disclosable pecuniary interest under paragraph 5.1(a) above in any matter to be considered or being considered at the meeting; and
- (b) the interest is entered in the Authority's register

they may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which they have such an interest; and they must leave the room where the meeting is held while any discussion and or voting takes place.

## **7. Disclosable Pecuniary Interests NOT Entered on the Register**

7.1 If Members are present at a meeting of the Authority and:

- (a) aware that they have a disclosable pecuniary interest under paragraph 5.1(a) above in any matter to be considered or being considered at the meeting; and
- (b) the interest is not entered in the Authority's register,

they must disclose the interest to the meeting. Furthermore, they may not participate or further participate in any discussion of the matter at the meeting or participate in any vote or further vote taken on the matter at the meeting and must leave the room where the meeting is held while any discussion and or voting takes place.

7.2 If an interest referred to in 5.1(a) above is not entered on the Authority's register and is not the subject of a pending registration, Members must notify the Authority's Monitoring Officer of the interest within 28 days of the date of the disclosure.

7.3 Members with the power to discharge an Authority function acting alone will have a disclosable pecuniary interest in any matter to be dealt with or being dealt with by them in the course of discharging that function:

- (a) they may not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by them); **and**
- (b) if the interest is not entered on the Council's register and is not the subject of a pending registration, they must notify the Council's Monitoring Officer of the interest within 28 days of becoming aware of the interest.

## **8. Sensitive Interests**

- 8.1 This applies to a situation where a Member considers that the disclosure of the details of your interest – including that of your spouse or partner – could lead to you, or a person connected with you, being subject to violence or intimidation.
- 8.2 In such circumstances you should share your concerns with the Council's Monitoring Officer. If the Monitoring Officer agrees with you, then the details of the interest will not be included in the Council's published Register of Interests, but the Register may state that you had registered an interest the details of which had been withheld under Section 32 of the Localism Act 2011.
- 8.3 If the Monitoring Officer has accepted that you have a sensitive interest under Section 32 of the Localism Act 2011, you should declare the existence of the interest at any meeting at which you are present but you need not declare the details of the interest.
- 8.4 If circumstances change and the information excluded from the Register on the grounds of sensitivity is no longer sensitive information, the Member must notify the Monitoring Officer within 28 days.

## 9. **Other Relevant Interests**

9.1 Members may have an Other Relevant Interest (which is not a disclosable pecuniary interest) in any matter to be considered or being considered at the meeting) where:

- (a) a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of them or a member of their family or a person with whom they have a close association, or an organisation or body under paragraph 5.1(b), 5.1(c) or 5.1(d) above, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which they have been elected or otherwise of the authority's administrative area; **and**
- (b) the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest.

9.2 Members with an Other Relevant Interest as described in 9.1. above:

- (a) must make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent; **and**
- (b) must not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which they have an Other Relevant Interest at any meeting at which they are present and will leave the room where the meeting is held while any discussion or voting takes place.

## 10. **Gifts and Hospitality**

10.1 Members must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which they have been offered as a member from any person or body other than the Authority, whether the offer is accepted or declined.

10.2 The Monitoring Officer will place any notification received under paragraph 10.1 on a public register of gifts and hospitality.

10.3 The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality has been approved by the Authority for this purpose.

## APPENDIX 5 – COMPARISON TABLE

Item	Model Code	Durham County Council Code
(a)	The Code explicitly applies to Councillors who are claiming to act as a Councillor or who give the impression that they are doing so as well as where a Councillor refers publicly to their role or uses knowledge they could only obtain in their role as a Councillor.	<p>This included in the existing Code.</p> <p>[Page 3 of Appendix 4 at Paragraph 2] [Page 4 of Appendix 4 at paragraph 4.3(l)]</p>
(b)	The Code gives examples of what amounts to treating others with respect but also how to deal with disrespectful behaviour from others. The term “respect” is favoured over “civility”.	This is not included in the current or proposed update to the Code.
(c)	Definitions of bullying and harassment are included and there is an express requirement to promote equalities and to not discriminate unlawfully.	<p>This is included in the proposed update to the Code</p> <p>[Page 6 of Appendix 4 at section 4.3 (m)]</p>
(d)	Councillors must not bring their role or local authority into disrepute	<p>This is not expressly stated in the proposed update to the Code however it is underpinned by each of the elements of the code at 4.3. Where there is an allegation that there has been a breach of the Code for any one of the paragraphs of the code it naturally follows that the actions if found to be contrary to the Code would bring their role or the local authority into disrepute.</p> <p>[Page 4 of Appendix 4 at section 4.3]</p>

(e)	Councillors must agree to undertake any Code of Conduct training provided, co-operate with a Code of Conduct investigation, not intimidate any person involved in any investigation and comply with any sanctions imposed.	This is included in the proposed update to the Code.  [Page 6 of Appendix 4 at section 4.5 ]
(f)	There is an obligation to register any gifts or hospitality regardless of value which could give rise to real or substantive personal gain.	This is included in the Code.  [Pages 6 - 9 of Appendix 4]
(g)	Gifts or hospitality of £50 or more in value must be registered as must any that have been refused.	This is included in the Code.  [Pages 9 and 10 of Appendix 4 at section 10.1]
(h)	A requirement to register membership of any body exercising functions of a public nature, directed to charitable purposes or one of whose principle purposes includes the influence of public opinion. This only applies to bodies to which the Councillor has been appointed by the Council and mirrors those memberships that were required to be registered under the 2007 national Code of Conduct.	This is included in the Code although it does not only extend to bodies to which the Councillor has been appointed by the Council. The Code also Members to register other relevant interests, which are not included within the model Code.  [Page 6 of Appendix 4 at 5.1]