

Public Document Pack



**North East
Derbyshire**
District Council

Our Ref: NC/AJD
Contact: Nicola Calver
Tel: 01246 217753
Email: nicola.calver@ne-derbyshire.gov.uk
Date: Tuesday, 23 June 2020

To: **Members of the Standards Committee**

Please attend a meeting of the Standards Committee to be held on **Wednesday, 1 July 2020 at 2.00 pm.** The meeting will be held through virtual meeting software. Access credentials to the meeting will be sent to you under separate cover.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Skeneberg".

Joint Head of Corporate Governance and Monitoring Officer

Members of the Committee

Conservative Group	Labour Group	Liberal Democrat Group
Councillor Pat Antcliff Councillor William Armitage Councillor Heather Liggett Councillor Michael Roe Councillor Diana Ruff	Councillor Pat Kerry Councillor Jacqueline Ridgway Councillor Kathy Rouse	Councillor Ross Shipman

For further information about this meeting please contact: Nicola Calver 01246 217753

AGENDA

1 Apologies for Absence

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item in the agenda and withdraw from the meeting at the appropriate time.

3 Minutes of Last Meeting (Pages 3 - 7)

To approve as a correct record and the Chair to sign the Minutes of the Standards Committee held on 19 February 2020.

4 Emergency Delegations - TO FOLLOW

5 Review of the Constitution - Part 1 - TO FOLLOW

6 Gifts and Hospitality Review 2019 - TO FOLLOW

7 LGA Model Code of Conduct Consultation (Pages 8 - 32)

8 Work Programme 2020-21 (Page 33)

9 Urgent Business (public session)

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



***We speak
your language***

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

***Hablamos su
idioma***

Slovak

***Rozprávame Vaším
jazykom***

Chinese

我们会说你的语言

If you require
this agenda in
large print
or another
format
please call
us on

**01246
217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY, 19 FEBRUARY 2020

Present:

Councillor William Armitage (Chair)
Councillor Diana Ruff (Vice-Chair)

Councillor Pat Antcliff
Councillor Michael Roe
Councillor Ross Shipman

Councillor Pat Kerry
Councillor Kathy Rouse

Also Present:

N Calver	Governance Manager
S Sternberg	Joint Head Of Service - Corporate Governance & Monitoring Officer
V Dawson	Solicitor - Team Manager (Contentious)
D Stanton	Governance Officer
P Coleman	Parish Council Representative
D Skinner	Parish Council Representative

537a Apologies for Absence

There were no apologies for absence.

538 Urgent Business

With the permission of the Chair, the Committee heard one item of urgent business, which advised Members of the outcome of the election for two co-opted members of Standards Committee.

The report outlined that following the May Elections, the two appointed co-opted members of the Standards Committee were no longer eligible. Subsequently, an election was held where Pat Coleman, who represented Wingerworth Parish Council, and Derrick Skinner, who represented Clay Cross Parish Council, were duly elected.

RESOLVED – That the update be noted.

539 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no interests declared at the meeting.

540 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Standards Committee held on 19 September 2019 be approved as a correct record and signed by the Chair.

541 Joint Whistleblowing Policy

The Standards Committee considered a report that provided an annual update to Members on use of the Joint Whistleblowing Policy. Members heard that there had been no instances of whistleblowing to report during the 2019/20 municipal year.

The Committee discussed the Whistleblowing Policy. Members agreed that the Policy could place a greater emphasis on an employee's responsibility to report instances of malpractice, and the Corporate Governance and Monitoring Officer endeavoured to reflect this into the Policy. The Officer also advised that whistleblowers received statutory protection, and that whilst a register of concerns raised and their outcomes were maintained, only the Monitoring Officer and Deputy Monitoring Officer had access to it. Members received clarity on the process of whistleblowing in regards to senior members of staff.

RESOLVED – That the Standards Committee:-

- (1) Agree the current Joint Whistleblowing Policy is fit for purpose.
- (2) Note that no instances of Whistleblowing have been made since the 2019 Annual Review of the Joint Whistleblowing Policy.

542 Review of the Council's Constitution

The Governance Manager presented a report that outlined a review of the Council's Constitution. Members were asked to give consideration to proposals for review outlined in Appendix 1 to the report.

(a) Delegations Scheme

Members were asked to consider changes to the Delegations Scheme. The Committee heard that from time to time, there were changes in legislation, Government guidance or other regulatory changes that impacted on Council policies. Currently, all those changes were brought to Cabinet or Council for approval. It was therefore proposed that the power to make amendments to policies be delegated to Directors and Heads of Service in the Delegation Scheme.

The proposed wording of the delegation was:-

To make amendments to Council Policy, subject to consultation with the Monitoring Officer, in order to:

- (i) reflect changes in the law, government or regulators' guidance, and other Council policies; or
- (ii) correct obvious, technical or clerical errors and to take account

of those changes of any names or titles.

RESOLVED – That the proposal be approved and submitted to Council as part of the Constitution Review in May 2020.

(b) Questions and Motions

Members heard that the deadline for Questions and Motions was seven clear working days before the meeting, and that this left very little preparation time for those who had to answer questions or those who wanted to participate in the Motions debate. Accordingly, the Committee was presented with three options – to keep the current deadline of seven clear days; to extend the deadline to 12 clear days; or to extend the deadline to 17 clear days.

Members discussed the practicalities of the current deadline, and whether there had been any complaints from staff in regards to the limited time available to prepare answers. The officers advised that whilst there had been no complaints, extending the deadline would reduce the pressure on staff and Members.

The Committee agreed that the Council should be pro-active in its social media use, so that the public was informed of the deadline for public questions.

Members received clarity on the process of asking questions to other Members, in particular, Portfolio Holders, and the Committee reiterated that it was important that all Councillors were kept informed of proceedings at the Council.

RESOLVED –

- (1) The deadline for Questions and Motions be extended to 12 clear days.
- (2) That the proposal be approved and submitted to Council as part of the Constitution Review in May 2020.

(c) Exemption Sessions at Cabinet/Executive

The Committee heard that the Council Procedure Rules made provision, at Rule 25.3 for Members who were not appointed to the relevant Committee or Sub-Committee to remain in a meeting of that Committee or Sub-Committee during the private session considering exempt items, unless the Committee or Sub-Committee asked them to leave.

It was stated that this rule had been applied to Cabinet meetings, although technically this was not a Committee, therefore for the purpose of clarity, it was proposed that the term Cabinet be added to the wording of that rule.

RESOLVED – That the proposal be approved and submitted to Council as part of the Constitution Review in May 2020.

(d) Reserves – Approval of Transformation Reserve

Members heard that expenditure from Reserves had always been agreed by Cabinet in a formal decision, however, for reasons unknown it had been removed from the Constitution.

It was stated that there needed to be a decision route for expenditure from the Reserves – for openness and transparency reasons. It was therefore suggested that this be placed back into the Constitution to make the position clearer.

RESOLVED – That the proposal be approved and submitted to Council as part of the Constitution Review in May 2020.

(e) Small increases in expenditure and effect on the Council's budget

The Governance Manager informed Members that any increase in the budget had to receive formal Member approval through Cabinet, even if it was a small increase in expenditure.

The proposed change to the Constitution would authorise a small increase in individual budgets of up to £10,000 per budget on one occasion in any corporate year, subject to a delegated decision notice being produced. The Section 151 Officer would also be delegated to cover small increases in budgets.

RESOLVED – That the proposal be approved and submitted to Council as part of the Constitution Review in May 2020.

(f) Council Procedure Rules – Rule 8 Questions by the Public

The Committee heard that a review of neighbouring authorities had found that they would allow any member of the public to ask a question at Council so long that it met the question scope.

Members noted that there had been concerns that some whom had a connection to the District may not qualify to ask a question under the current rules and consideration was given to whether this should be extended to include those who had a local connection to the District. The Committee agreed that this was a positive change, and acknowledged that in line with Rule 8.4, the Monitoring Officer could still reject questions if it was not about a matter for which the Council had a responsibility for or which affected the District.

The proposed wording of the amendment to Rule 8.1(a) was:-

~~Members of the public who are on the Register of Electors for North East Derbyshire District Council, or who are Non Domestic Rate Payers to District,~~ may ask questions of members of the Cabinet at ordinary meetings of the Council.

RESOLVED – That the proposal be approved and submitted to Council

as part of Constitution Review in May 2020.

543 The Councillors Standards

The Joint Head of Corporate Governance and Monitoring Officer presented a report that outlined the draft Members' Standard for discussion.

At the last meeting of the Standards Committee, Members were presented with a copy of a document that set out the standard of conduct expected from each Councillor that was produced by another Council. This was with a view to consider whether this Council should adopt such a standard of personal behaviour. The Committee discussed the attached draft North East Derbyshire version.

Members had a wide ranging discussion of the merits of having a Members' Standard and enquired about the possible repercussions if Members were to fail to meet the required Councillor standards.

The Committee agreed that it would be useful to send out to the District's Parish Councils as it provided good guidelines. It was also agreed that the document be circulated to Members to sign, and provide them with a timely reminder of the behaviour that was expected of them.

There was a consensus that poor behaviour could affect the reputation of the Council, and that Members should behave respectfully at all times.

RESOLVED – That the draft Policy be approved and submitted to Council for approval.

544 Complaints Update

The Committee received a verbal update from the Joint Head of Corporate Governance and Monitoring Officer on Member Complaints.

Members noted that there had been 17 complaints in 2019 and that they were all now closed. In 2020, there was currently one open complaint.

545 Work Programme

Members gave consideration to the Work Programme for the Standards Committee for the remainder of the municipal year. Members were reminded that this was a live and changing document and could be adapted to the needs of the Committee.

RESOLVED – That the Work Programme for 2019/20 be noted.

North East Derbyshire District Council

Standards Committee

1 July 2020

Local Government Association Model Code of Conduct Consultation

Report of the Head of Corporate Governance and Solicitor to the Council & Monitoring Officer

This report is public

Purpose of the Report

- To inform the Committee of the Local Government Association's (LGA) consultation on the model member code of conduct.

1 Report Details

- 1.1 The Local Government Association is providing a model member code of conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.
- 1.2 The LGA has committed to reviewing the current model member code of conduct, as recommended by the Committee on Standards in Public Life's report into Local Government Ethical Standards. The LGA held an event on Civility in Public Life with a range of stakeholders at the end of 2019 and three consultation workshops at the beginning of 2020. The LGA consultation draft model member code of conduct is a result of this initial work.
- 1.3 The LGA has published the model member code of conduct for consultation. This is available to view on the LGA's website - <https://www.local.gov.uk/local-government-association-model-member-code-conduct>. The consultation will run for 10 weeks from Monday 8 June until Monday 17 August.
- 1.4 A comparison between the Council's member code of conduct and the consultation model member code of conduct has been made and this is attached to the report at Appendix 1.

2 Conclusions and Reasons for Recommendation

- 2.1 The Committee should consider whether it has any comments to make on the consultation.
- 2.2 The Committee should be presented with the final version of the model member code of conduct when it is published (expected in the autumn) and at that time consider whether any changes are required to the Council's member code of conduct.

- 2.3 It is important that the Council has a clear and up to date Member Code of Conduct setting out the behaviours and responsibilities required in the role of Councillor as the Council has a duty to promote and maintain high standards of conduct by Councillors and co-opted Members of the authority.

3 Consultation and Equality Impact

- 3.1 There is no equality impact from the report.
- 3.2 The Committee are being consulted on the LGA's model member code of conduct.

4 Alternative Options and Reasons for Rejection

- 4.1 There are no alternative options at this time as the Committee is just being informed of the consultation.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 There are no specific finance or risk implications arising from this report.

5.2 Legal Implications including Data Protection

- 5.2.1 Section 27 of the Localism Act 2011 places a duty on local authorities to promote and maintain high standards of conduct by Councillors and co-opted Members of the authority. Section 27(2) requires local authorities to adopt a code dealing with the conduct of Councillors and co-opted Members when they are acting in those capacities.
- 5.2.2 Section 28 of the Localism Act deals specifically with the code of conduct. The code of conduct adopted must be consistent with the general principles of public life.

5.3 Human Resources Implications

- 5.3.1 There are no human resources implications arising from this report.

6 Recommendations

- 6.1 That Members note the current open consultation in regards to the LGA's model code of conduct and provide any comments to the Monitoring Officer to feed into a response to the consultation.
- 6.2 That the outcome of the consultation and the final version of the model member code of conduct be submitted to a future meeting of the Committee.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes/No
District Wards Affected	All indirectly
Links to Corporate Plan priorities or Policy Framework	All indirectly

8 Document Information

Appendix No	Title
1	LGA's model member code of conduct
2	Comparison of North East Derbyshire District Council's code of conduct with the draft model member code of conduct
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Nicola Calver	7753

Local Government Association Model Member Code of Conduct

Introduction

The Local Government Association (LGA) is providing this Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.

The role of councillor in all tiers of local government is a vital part of our country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to and want to participate with. We want to continue to attract individuals from a range of backgrounds and circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities.

All councils are required to have a local Member Code of Conduct. This Model Member Code of Conduct has been developed in consultation with the sector and is offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code, whilst the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

As a councillor we all represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent everyone (in our ward/town/parish), taking decisions fairly, openly, transparently and with civility. Councillors should also be treated with civility by members of the public, other councillors and council employees. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations. This Code, therefore, has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.



Councillor Izzi Seccombe OBE
Leader, LGA Conservative Group



Councillor Nick Forbes CBE
Leader, LGA Labour Group



Councillor Howard Sykes MBE
Leader, LGA Liberal Democrats Group



Councillor Marianne Overton MBE
Leader, LGA independent Group

Purpose

The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow councillors, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

Application of the Code

The Code of Conduct applies to you when you are acting [or claiming or giving the impression that you are acting]¹ in [public or in]² your capacity as a member or representative of your council, although you are expected to uphold high standards of conduct and show leadership at all times. The Code applies to all forms of member communication and interaction, including written, verbal, non-verbal, electronic and via social media, [including where you could be deemed to be representing your council or if there are potential implications for the council's reputation.] Model conduct and expectations is for guidance only, whereas the specific obligations set out instances where action will be taken.

The seven principles of public life

Everyone in public office at all levels – ministers, civil servants, members, council officers – all who serve the public or deliver public services should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

Model member conduct

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

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

In undertaking my role, I will:

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

Specific obligations of general conduct

This section sets out the minimum requirements of member conduct. Guidance is included to help explain the reasons for the obligations and how they should be followed. These obligations must be observed in all situations where you act [or claim or give the impression that you are acting] as a councillor [or in public], including representing your council on official business and when using social media.

Civility

- 1. Treating other councillors and members of the public with civility.**
- 2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.**

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

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

In return you have a right to expect courtesy from the public. If members of the public are being abusive, threatening or intimidatory you are entitled to close down any conversation in person or online, refer them to the council, any social media provider or if necessary, the police. This also applies to members, where action could then be taken under the Member Code of Conduct.

Bullying and harassment

- 3. Not bullying or harassing any person.**

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

The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Impartiality of officers of the council

- 4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.**

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

Confidentiality and access to information

- 5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.**
- 6. Not preventing anyone getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and

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

Disrepute

7. Not bringing my role or council into disrepute.

Behaviour that is considered dishonest and/or deceitful can bring your council into disrepute. As a member you have been entrusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on other councillors and/or your council.

Your position

8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the council provides you with certain opportunities, responsibilities and privileges. However, you should not take advantage of these opportunities to further private interests.

Use of council resources and facilities

9. Not misusing council resources.

You may be provided with resources and facilities by the council to assist you in carrying out your duties as a councillor. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given

to you to help you carry out your role as a councillor more effectively and not to benefit you personally.

Interests

10. Registering and declaring my interests.

You need to register your interests so that the public, council employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest. The register also protects you. You are responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise.

It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. Discuss the registering and declaration of interests with your Monitoring Officer/Town or Parish Clerk and more detail is set out in appendix B.

Gifts and hospitality

11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.

12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

You should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you

because you are a member. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you may wish to notify your monitoring officer of any significant gifts you are offered but refuse which you think may have been offered to influence you.

Note – items in square brackets [x] refer to recommendations made by the Committee on Standards in Public Life and may be part of a future Government consultation. This includes possible future sanctions and appeals processes.

Breaches of the Code of Conduct

Most councillors conduct themselves appropriately and in accordance with these standards. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an 'independent person', and sanctions to be imposed on any councillors who breach the Code.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

Failure to comply with the requirements to register or declare disclosable pecuniary interests is a criminal offence. Taking part in a meeting or voting, when prevented from doing so by a conflict caused by disclosable pecuniary interests, is also a criminal offence.

Political parties may have its own internal standards and resolution procedures in addition to the Member Code of Conduct that members should be aware of.

Example

LGA guidance and recommendations

Internal resolution procedure

Councils must have in place an internal resolution procedure to address conduct that is in breach of the Member Code of Conduct. The internal resolution process should make it clear how allegations of breaches of the Code of Conduct are to be handled, including the role of an Independent Person, the appeals process and can also include a local standards committee. The internal resolution procedure should be proportionate, allow for members to appeal allegations and decisions, and allow for an escalating scale of intervention. The procedure should be voted on by the council as a whole.

In the case of a non-criminal breach of the Code, the following escalating approach can be undertaken.

If the breach is confirmed and of a serious nature, action can be automatically escalated.

1. an informal discussion with the monitoring officer or appropriate senior officer
2. an informal opportunity to speak with the affected party/ies
3. a written apology
4. mediation
5. peer support
6. requirement to attend relevant training
7. where of a serious nature, a bar on chairing advisory or special committees for up to two months
8. where of a serious nature, a bar on attending committees for up to two months.

Where serious misconduct affects an employee, a member may be barred from contact with that individual; or if it relates to a specific responsibility of the council, barred from participating in decisions or information relating to that responsibility.

Endnotes

1. CSPL recommend that “Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority”.
2. CSPL recommend that “councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.”
3. Subject to footnotes 1 and 2 above
4. See CSPL website for further details www.gov.uk/government/news/the-principles-of-public-life-25-years
5. ACAS’s definition of bullying

Appendices

Code Appendix A

The principles are :

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Code Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table 1 or 2, or of any change to a registered interest, notify the Monitoring Officer.

Declaring interests

3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
6. Where a matter arises at a meeting which affects –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body covered by table 1 below

you must disclose the interest.

7. Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 .
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor’s knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registerable Interests

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;	
Any Body—	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	



Local Government Association

18 Smith Square
London SW1P 3HZ

Telephone 020 7664 3000

Fax 020 7664 3030

Email info@local.gov.uk

www.local.gov.uk

© Local Government Association, May 2020

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

Code of Conduct

The LGA is running a consultation on the draft member code of conduct for 10 weeks from Monday 8 June until Monday 17 August.

Comparison of the draft Model Code of Conduct and the current NED Councillor Code of Conduct.

<u>MODEL CODE OF CONDUCT</u>	<u>NED CODE OF CONDUCT</u>	<u>NOTES/DIFFERENCES</u>
<u>Purpose</u> Short introductory paragraph explaining that the code sets out the conduct expected of all members and a minimum set of obligations relating to conduct.	<u>Introduction</u> Short introduction that states that members have a statutory responsibility to have regard to the following principles – sets out the seven principles of public life.	
<u>Application of the Code</u> Sets out when the code applies. Model conduct and expectations is for guidance only, whereas the specific obligations set out (below) instances where action will be taken.	Sets out that in accordance with the Localism Act, when acting or appearing to act in capacity as a councillor, a member should be committed to behaving in a manner that is consistent with the seven principles of public life.	
<u>The seven principles of public life</u> The model code has been developed in line with these seven principles of public life, which are set out in an appendix to the Code. Everyone in public office should uphold the seven principles of public life.	The code is based upon the Nolan Principles – the seven principles of public life	Both set out the seven principles
<u>Model member conduct</u> Sets out the following:		No individual section on this in the NED code but generally covered in next section (below).

MODEL CODE OF CONDUCT	NED CODE OF CONDUCT	NOTES/DIFFERENCES
<p>In accordance with the public trust placed in me, on all occasions I will:</p> <ul style="list-style-type: none"> • Act with integrity and honesty • Act lawfully • Treat all persons with civility; and • Lead of example and act in a way that secure public confidence in the office of councillor <p>In undertaking my role, I will:</p> <ul style="list-style-type: none"> • Impartially exercise my responsibilities in the interests of the local community • Not improperly seek to confer an advantage, or disadvantage, on any person • Avoid conflicts of interest • Exercise reasonable care and diligence; and • Ensure that public resources are used prudently and in the public interest 		

<p><u>Specific obligations of general conduct</u></p> <p>This section sets out the minimum requirements of member conduct.</p> <p>These obligations must be observed in all situations where you act [or claim or give the impression that you are acting] as a councillor [or in public], including representing your council on official business and when using social media.</p> <p>As a councillor I commit to:</p> <p><u>Civility</u></p> <ol style="list-style-type: none"> 1. Treating other councillors and members of the public with civility. 2. Treating council employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play. <p><u>Bullying and harassment</u></p> <ol style="list-style-type: none"> 3. Not bullying or harassing any person <p><u>Impartiality of officers of the council</u></p> <ol style="list-style-type: none"> 4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council. <p><u>Confidentiality and access to information</u></p>	<p><u>General Conduct</u></p> <p>As a Member of North East Derbyshire District Council, I will ensure my conduct is in accordance with the statutory principles of this Code of Conduct by:</p> <ol style="list-style-type: none"> a. Dealing with people, representations or enquires from residents, members of our communities and visitors fairly, appropriately and impartially. (similar to 1 – model code) b. Behaving in accordance with the Council's legal obligations, alongside any requirements contained within North East Derbyshire District Council's policies, protocols and procedures, including on the use of the Authority's resources. (similar to 9 – model code) c. Acting in accordance with the Council's ICT policies, ensuring that ICT resources are not used improperly and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986. (similar to 9 – model code) d. Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of 	<p>Note regarding model code – items in square brackets [x] refer to recommendations made by the Committee on Standards in Public Life (CSPL) and may be part of a future Government consultation. This includes possible future sanctions and appeals processes.</p> <p>NED code doesn't set out general conduct as the minimum requirement of member conduct as the Model code does.</p> <p>NED code doesn't set out when these obligations must be observed as the Model code does.</p> <p>NED code doesn't include - not bullying or harassing any person (although does cover treating people with respect) (model code 3)</p> <p>NED code doesn't include - not compromising the impartiality of anyone who works for the council (model code 4)</p> <p>NED code doesn't have specific line on not bring council into disrepute (model code 7)</p>
---	---	--

<p>5. Not disclosing information given to me in confidence or disclosing information required 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.</p> <p>6. Not preventing anyone getting information that they are entitled to by law</p> <p><u>Disrepute</u></p> <p>7. Not bringing my role or council into disrepute</p> <p><u>Your position</u></p> <p>8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else</p> <p><u>Use of council resources and facilities</u></p> <p>9. Not misusing council resources</p> <p><u>Interests</u></p> <p>10. Registering and declaring my interests</p> <p>[Appendix B to the code sets out more information on registering and declaring interests in line with Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).</p> <p><u>Gifts and hospitality</u></p> <p>11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the</p>	<p>North East Derbyshire District or the good governance of the Authority in a proper manner. (similar to 7 – model code)</p> <p>e. Complying with the requirements of the Council's Protocol on Gifts and Hospitality by registering with the Monitoring Officer any item of hospitality that I receive of the value of £25 or more. (similar to 12 – model code)</p> <p>f. Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member or co-opted member of my Authority. (similar to 8 – model code)</p> <p>g. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.</p> <p>h. Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.</p> <p>i. Contributing to making the Council's decision-making processes as open and</p>	<p>NED code covers the following, which are not in the model code:</p> <ul style="list-style-type: none"> • Acting in accordance with Cllrs Guidance on Social Media • Not giving the impression you are acting in an official capacity when you are acting in a personal capacity • Reporting a safeguarding issue
---	---	--

<p>council or from persons who may apply to the council for any permission, licence or other significant advantage</p> <p>12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt</p> <p>(see model code for further information on each of the 12 sections not included here)</p>	<p>transparent as possible. I will do this by allowing residents to access information they are entitled to by law, helping them to understand the reasoning behind the decisions taken and enabling them to be informed when holding me and other members to account. (similar to 6 – model code)</p> <p>j. Restricting access to information when the wider public interest or the law requires it. (similar to 5 – model code)</p> <p>k. Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government. (similar to 2 – model code)</p> <p>l. Always treating people with respect, including the organisations and public I engage with and those I work alongside. (similar to 1 – model code)</p> <p>m. Providing leadership through behaving in accordance with these principles when championing the interests of the community, with other organisations, as well as within this Authority.</p>	
--	---	--

	<p>n. Promoting equality by not discriminating against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation of disability (similar to 1 – model code)</p> <p>o. Promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirement, by leadership and example.</p> <p>p. Acting in accordance with the requirements set out in the Social Media Guidance for Councillors.</p> <p>q. Must be clear when communicating with the media or speaking in public that you do not give the impression you are acting in an official capacity when you are acting in a personal capacity.</p> <p>r. Report a safeguarding issue to the appropriate authority</p>	
--	---	--

<u>MODEL CODE OF CONDUCT</u>	<u>NED CODE OF CONDUCT</u>	<u>NOTES/DIFFERENCES</u>
<p><u>Breaches of the Code of Conduct</u></p> <p>States what requirements there are for relevant authorities under the Localism Act 2011 to publish a code of conduct, that must cover the registration of pecuniary interests, the role of an independent person and what sanctions will be imposed for any breach of the code.</p> <p>There is an example internal resolution procedure</p>	<p>NED Councillor Complaints Procedure sets out the possible sanctions that may be imposed for a breach.</p>	
<p><u>Appendix A</u></p> <p>Sets out the principles</p>	<p>Principles covered at start of code</p>	
<p><u>Appendix B</u></p> <p>Information on registering and declaring interests</p>	<p>Covered within main section of code</p> <p><u>Members Interests</u> Information on notification of disclosable pecuniary interests – details of regulations set out in Appendix B – and register of interests, sensitive interests, non-participation in cases, dispensations, criminal offences, other interests, licences, and interests arising in relation to scrutiny committees.</p> <p><u>Pre determination or bias</u> Short paragraph on participating in a decision if involved in campaigning in a political role</p>	

<u>MODEL CODE OF CONDUCT</u>	<u>NED CODE OF CONDUCT</u>	<u>NOTES/DIFFERENCES</u>
	<u>Training</u> Sets out what essential training Cllrs must attend – details set out in Appendix A	Model code doesn't cover training

Other things to note

1. CSPL recommends that “Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority”.
2. CSPL recommend that “councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.”

NEDDC STANDARDS COMMITTEE WORK PROGRAMME 2020/21

Meeting date	Item	Comments
1 July 2020	Emergency Delegations Website Review Review of Constitution Part 1 - a) Contract Procedure Rules b) TOR Housing Management Board c) TOR Town Fund Board Gifts and Hospitality Review 2019 Work Programme	
30 September 2020	Standards Committee Annual Report RIPA Annual Review Review of Constitution Part 2 a) JCG Committee Terms of Reference b) Delegated Decisions – circulation to members c) Delegation Scheme d) Call-In Review Scrutiny Arrangements Complaints Update Work Programme	
3 December 2020	Local Government Ombudsman Annual Report Review of Constitution Part 3 a) Review of Employee Code of Conduct b) Employment Rules c) Independent Persons Terms of Office d) Planning Protocol Support for Independent Persons Complaints Update Work Programme	
24 February 2021	Joint Whistleblowing Policy Annual Report Review of the Constitution Part 4 Appointments to Outside Bodies Complaints Update Work Programme	
21 April 2021	Work Programme 2020/21 – Achievements Work Programme 2021/22	