

# AGENDA



For a meeting of the
<b>STANDARDS COMMITTEE</b>
to be held on
<b>FRIDAY, 18 MAY 2012</b>
at
<b>2.30 PM</b>
in the
<b>WITHAM ROOM, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM</b>
<b>Beverly Agass, Chief Executive</b>

Committee Members:	Councillor Harrish Bisnauthsing, Councillor Alan Davidson, Mr. Chris Holtom CBE. - Independent Lay-Member (Chairman), Councillor Vic Kerr, Mr. Fred Mann - Independent Lay-Member (Vice-Chairman), Councillor David Nalson
	A parish representative to be appointed from the following: Councillor Peter Connor - Barkston & Syston Parish Council, Councillor Vicky Dennis - Castle Bytham Parish Council, Councillor Richard Dixon-Warren - Haconby & Stainfield Parish Council, Councillor Irene Greenwood - Colsterworth & District Parish Council, Councillor Philip Knowles - Bourne Town Council, Councillor Nick Neilson - Market Deeping Town Council, Councillor Stephen Pearson - Long Bennington Parish Council, Councillor Robert Prabucki - Claypole Parish Council and Councillor Robert Rose - Thurlby Parish Council
Committee Support Officer:	Jo Toomey 01476 40 61 52 j.toomey@southkesteven.gov.uk

**Members of the Committee are invited to attend the above meeting to consider the items of business listed below.**

**1. MEMBERSHIP**

Two parish representatives to be appointed.

**2. APOLOGIES**

**3. DECLARATIONS OF INTEREST**

Members are asked to declare interests in matters for consideration at the meeting.

**4. MINUTES OF THE MEETING HELD ON 3 FEBRUARY 2012**

(Enclosure)

**5. CONSIDERATION / HEARING OF COMPLAINT SCC / 21725**

(Enclosure)

**6. MEMBERS' CODE OF CONDUCT**

Report LDS068 of the Head of Democratic and Legal Services. (Enclosure)

**7. APPLICATIONS FOR DISPENSATION BY THE STANDARDS COMMITTEE**

No applications had been received at the time of agenda preparation.

**8. SITUATION REPORT - ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT**

**9. ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT**

# MINUTES

**STANDARDS COMMITTEE  
FRIDAY, 3 FEBRUARY 2012  
2.30 PM**



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## COMMITTEE MEMBERS PRESENT

Chairman Mr. Chris Holtom CBE. - Independent Member  
Vice Chairman Mr Fred Mann – Independent Member  
Councillor Harrish Bisnauthsing - District Councillor - Stamford St. Mary's Ward  
Councillor Peter Connor - Barkston & Syston Parish Council  
Councillor Vicky Dennis - Castle Bytham Parish Council  
Councillor Vic Kerr - District Councillor - Loveden Ward  
Councillor Philip Knowles - Bourne Town Council  
Councillor David Nalson - District Councillor - Stamford St. John's  
Councillor Stephen Pearson - Long Bennington Parish Council  
Councillor Robert Prabucki - Claypole Parish Council  
Councillor Robert Rose - Thurlby Parish Council

## OFFICERS

Head of Legal and Democratic Services - Lucy Youles  
Legal Team Leader (Investigating Officer) – Paul Rushworth  
Principal Democracy Officer – Jo Toomey

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## 27. MEMBERSHIP

Councillors Peter Connor (Barkston and Syston Parish Council) and Robert Prabucki (Claypole Parish Council) were appointed as parish representatives with voting rights for this meeting.

## 28. APOLOGIES

Apologies for absence were received from Councillors Richard Dixon-Warren (Haconby and Stainfield Parish Council), Irene Greenwood (Colsterworth and District Parish Council) and Nick Neilson (Market Deeping Parish Council).

## 29. DECLARATIONS OF INTEREST

No declarations of interest were made.

**30. MINUTES OF THE MEETING HELD ON 19 DECEMBER 2011**

The minutes of the meeting held on Monday 19 December 2011 were agreed as a correct record.

The Head of Legal and Democratic Services explained a Lincolnshire-wide officer meeting was called to consider future standards arrangements. A second meeting was scheduled for the week commencing 6 February 2012 to discuss a common approach and process across the county. The Lincolnshire Association of Local Councils were expected to attend the meeting.

Councillors suggested that as part of new arrangements, the outcome of any investigation/hearings should be reported to full Council.

**31. APPLICATIONS FOR DISPENSATION BY THE STANDARDS COMMITTEE**

None received.

**32. SITUATION REPORT - ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT**

The Committee was notified that there was one outstanding investigation and one outstanding assessment, which had been adjourned.

**33. CONSIDERATION / HEARING OF COMPLAINT SCC / 21621**

The Chairman introduced the consideration / hearing and explained the procedure that the Committee would follow in considering the complaint. Introductions were made. He asked members to confirm any declarations of interest and established the Committee was quorate.

Both the Complainant, witnesses and the Councillor were present.

It was resolved that:

***In accordance with Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting because of the likelihood, in view of the nature of the business to be transacted, that if members of the public were present, there would be a disclosure to them of exempt information as defined in paragraph 10 of part 1 of Schedule 12A of the Act.***

With the press and public excluded, the Monitoring Officer outlined the complaint and the findings of fact following the investigating officer's investigation. Members were advised that the allegations were investigated under the 2007 Members' Code of Conduct. It was confirmed that the respondent was a District Councillor at the time the complaint and was bound by the Code when acting in that capacity.

The Complainant alleged that the Councillor breached paragraph 3 (1) of the Code of Conduct by failing to treat others with respect. The Committee had to determine

whether the Councillor was acting in his capacity as a Councillor and whether his behaviour constituted disrespect.

The complaint related to an incident that took place on 19 May 2011. The Councillor was querying labelling against a product in a local shop.

The Councillor confirmed that the statement he had given to the investigating officer was accurate and that he had nothing further to add. The Complainant gave her account of the incident, which was supported by witnesses present at the meeting. The investigating officer had also viewed CCTV footage of the incident.

The Councillor explained that the incident occurred just before his first Council meeting and he showed his SKDC badge when asked to identify himself. He admitted stating that he would raise the issue within the Council but explained that his intention was to advise Trading Standards at the County Council.

The Councillor admitted being forthright in his dealings with the Complainant and his frustration might have caused him to allude to his position as a Councillor. The Councillor accepted that on this occasion he had breached the Members' Code of Conduct. He stated that the incident had led him to review the way he behaved when dealing with members of the public.

The investigating officer's report highlighted that the Councillor was newly elected and, at the time of the incident, had not received training on the Members' Code of Conduct. The Code of Conduct was included within the Constitution, a copy of which was given to all members on induction. In response to questions from Committee members, the Councillor stated he had never before held public office and consequently had never been required to abide by a similar code of conduct.

*14:59 The Complainant, witnesses, Councillor and investigating officer left the meeting*

Members considered the report of the investigating officer, together with comments made by the Complainant and Councillor. Standards Committee members agreed with the investigating officer's finding that the respondent had breached paragraph 3 (1) of the Model Code of Conduct.

Committee members noted an offer made by the Councillor to apologise to the Complainant.

The Monitoring Officer advised the Committee of the available sanctions; apology and censure were the two appropriate sanctions available. The Committee could also request the Councillor undergo training, suspend the Councillor or restrict the Councillor. Sanctions should be proportionate to the breach.

An element of mitigation was highlighted in that the Councillor was newly elected and had not received training on the Members' Code of Conduct at the time of the incident. The Committee noted that since the complaint was made, the Councillor had been aware of his behaviour and had made efforts to modify his behaviour.

The Committee agreed that the Councillor should be required to make a written apology to the Complainant and receive formal censure for his behaviour.

*15:49 The Complainant, witnesses, Councillor and investigating officer re-entered the meeting*

The Chairman explained that the Committee had agreed with the findings of the investigating officer, finding that the respondent had breached paragraph 3(1) of the Members' Code of Conduct and failed to treat others with respect. The Vice-Chairman read the Committee's findings:

**The Standards Committee has carefully considered the allegations of misconduct made against Councillor Bob Sampson.**

**The Committee considered the allegation to be serious as Councillors must behave in such a way as to not bring themselves into disrepute. The actions of Councillor Sampson on 19 May 2011 were such as to certainly bring disrepute upon himself.**

**The Committee endorsed the investigating officer's findings that Councillor Sampson used words that were patronising and disrespectful to the Complainant. It noted Councillor Sampson admitted he had acted in a way which was disrespectful. The Committee noted that there was inconclusive evidence in respect of any alleged physical contact. However, the Committee considered that the Councillor should not have put himself in a situation where such an allegation could be made.**

**The Councillor must accept that there is a higher degree of responsibility on an elected member acting in his official capacity when dealing with members of the public.**

**The Committee strongly censured Councillor Sampson for his actions on 19 May 2011. It furthermore instructed the Councillor to make a full written apology to the Complainant.**

**When considering the appropriate sanction, the Committee took into account the Councillor's admission that he had failed to comply with the Members' Code of Conduct and reminded the Councillor that he must, as a holder of public office, comply with the Members' Code of Conduct.**

The Chairman explained that the findings would appear in a public statement that would be published in the local newspaper. He thanked the Complainant and witnesses for attending the meeting and raising the issue. He also thanked the Councillor for admitting the breach.

#### **34. CLOSE OF MEETING**

The meeting was closed at 15:57.



# Agenda Item 5

By virtue of paragraph(s) 7c of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

## REPORT TO STANDARDS COMMITTEE

**REPORT OF: HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**REPORT NO: LDS 068**

**DATE: 18 May 2012**

<b>TITLE:</b>	<b>MEMBERS' CODE OF CONDUCT AND ARRANGEMENTS FOR DEALING WITH COMPLAINTS</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	STATUTORY REQUIREMENT	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor Paul Carpenter – Governance and Communication	
<b>CONTACT OFFICER:</b>	Mrs. Lucy Youles - Head of Legal and Democratic Services (01476 406105; e-mail: l.youles@southkesteven.gov.uk	
<b>EQUALITY IMPACT ASSESSMENT:</b>	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required: n/a
<b>Equality and Diversity</b>		
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Members' Code of Conduct 2007 Localism Act 2011	

### 1. RECOMMENDATIONS

It is recommended that Standards Committee consider the proposals and options contained in this report to refer to the Engagement PDG for consideration to determine and refer to Council for decision:

- 1.1 The adoption of a draft Members' Code of Conduct for recommendation to Council.

- 1.2 That the Council adopt arrangements to deal with complaints made about District Councillors and consider arrangements for dealing with complaints about parish and town councils
- 1.3 That, when the Disclosable Pecuniary Interests (DPI) Regulations are published, the monitoring officer, after consultation with the Chair of Standards Committee add to that draft Code provisions which are considered to be appropriate for the registration and disclosure of interests as determined by the Regulations.
- 1.3 That the monitoring officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
- 1.4. That the monitoring officer be given delegated authority, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation.
- 1.5 That the monitoring officer be instructed to seek resolution of complaints without formal investigation wherever practicable, and that the monitoring officer be given discretion to refer decisions on investigation to the relevant committee or panel of members where it is inappropriate for the monitoring officer to take the decision;
- 1.5. Where the investigation finds no evidence of failure to comply with the Code of Conduct, the monitoring officer is instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person.
- 1.6. Where the investigation finds evidence of a failure to comply with the Code of Conduct, the monitoring officer in consultation with the Independent Person is authorised to seek local resolution in appropriate cases with a summary report for information to Council. Where such local resolution is not appropriate or not possible, the monitoring officer is to report the investigation findings to a committee/panel of the members for local hearing;
- 1.7. That Council delegate to the committee/panel such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include –
  - Reporting its findings to Council *[or to the Parish Council]* for information;
  - Recommending to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
  - Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;

- Instructing the monitoring officer to *[or recommend that the Parish Council]* arrange training for the member;
- Removing *[or recommend to the Parish Council that the member be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;
- Withdrawing *[or recommend to the Parish Council that it withdraws]* facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- Excluding *[or recommend that the Parish Council exclude]* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

1.8 The monitoring officer is instructed to recommend to Council a Standing Order which equates to the current code of conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a DPI, except where he is permitted to remain as a result of the grant of a dispensation.

1.9 The Committee delegates to the Monitoring Officer authority, in consultation with the Chairman of the Standards Committee, to make recommendations to Council in accordance with this report, the provisions of Localism Act, any regulations made in accordance with the Localism Act and recommendations from the Engagement Policy Development Group

## **2. PURPOSE OF THE REPORT**

The purpose of the report is to update Members on the provision of a new code and arrangements for dealing with complaints and any breach of the code. Members are asked to consider the attached draft codes and proposed arrangements and confirm the preferred options to progress the introduction of a new code and arrangements for dealing with the code.

## **3. DETAILS OF REPORT**

### **Background**

Members are required by the Localism Act to promote and maintain high standards of conduct. To do so we are required to adopt a new code of conduct and introduce arrangements for dealing with complaints. Following the report in February, further consideration is required in respect of:

### 3.1 The Code

- Discussions have taken place with all Lincolnshire Councils to determine a joint approach on code adoption. Use of a similar code throughout the Lincolnshire authorities would simplify use of the code.
- Draft codes have been received from the LGA, DCLG and LCC. The drafts are all similar and are attached for your attention. Another option could be for the Council to adopt a code similar to the current code
  1. Draft 1 is the LGA code
  2. Draft 2 is the DCLG illustrative code
  3. Draft 3 is the LCC code
- None of the draft codes can adequately deal with the issue of “interests”. Regulations have not yet been introduced and there is uncertainty around the definition of disclosable pecuniary interests and other interests. There is no requirement for members to leave a meeting if they declare a pecuniary interest. There is a requirement that they do not take part in the discussion. Members may consider it appropriate to introduce a standing order requiring members to leave the room when they declare a disclosable pecuniary interest.
- Lincolnshire County Council intends to adopt the LCC code. Lincoln City has confirmed it intends to adopt a code similar to the existing code and South Holland has confirmed its preference for the LGA code. There is unlikely to be much consistency throughout Lincolnshire.
- The Lincolnshire Association of Local Authorities has confirmed that its National association intends to develop a separate code for parish councils. They do not consider the LGA or other drafts to be fit for purpose for parish councils. Parish councils would still have the option of adopting the district code if they so wished. The District Council must determine whether or not it is putting in place arrangements to deal with Parish Council complaints. It may be possible to delegate that function to the parish councils to put in place their own arrangements. Again, there is no regulation and it is not known if regulation is intended. Most councils we have spoken to are intending to put arrangements in place to deal with parish council complaints. Parish Councils are not obliged by law to make arrangements for dealing with complaints received.

### 3.2 The Independent Person

- We must appoint an independent person who cannot be the current independent appointed members. It is anticipated that there will be transitional provisions which may allow use of current independent members. The appointed independent person cannot attend the committee as a member of the council but could be invited to assist. This is not yet certain. Consideration must be given to commencing the process for appointment of the independent person to enable an appointment to be made at the Council meeting on the 12<sup>th</sup> July.

### 3.3 Arrangements for dealing with Complaints.

- Arrangements for dealing with complaints about breach of a code must be put in place. It is understood the existing arrangements will no longer be required from the 1<sup>st</sup> July 2012. This is not a statutory deadline. Our existing provision will now be in place until our council meeting on the 12<sup>th</sup> July 2012, when it is proposed a new code is adopted and arrangements for dealing with complaints agreed. There are various options available:

- Retain existing arrangements with a Standards Committee, assessment and review sub- committee.
- Retain a Standards Committee which will need to be politically balanced (unless the Council vote unanimously against the requirement for political balance) with simplified process. A member of the Cabinet could be a member of this committee. There is no requirement for any committee to have parish representatives. This arrangement could involve delegation to officers to receive and deal with complaints in the first instance with reference to the independent person. Refer to committee those that cannot be resolved in the first instance for determination as to whether or not to investigate and report.
- Delegate the arrangements for dealing with complaints to another committee already established.
- Delegate the whole arrangement to officers with no referral to committee.

Emphasis should be on local resolution rather than formal investigation and identifying and resolving underlying issues.

- There are no statutory sanctions for breach of the code. Effectively, the only common law sanctions available will be censure, report to group leader, withdraw facilities, bar from office and put on single point of contact and/or report to council. Proposed sanctions will have to be agreed. It cannot be recommended that officers are responsible for imposing sanctions. It may not be practical for sanctions to be imposed by full council. The creation of a committee or use of a panel of members may be the only option. The Act repeals the requirements for separate Assessment, Review and hearings Sub-Committees, and enables the Council to establish its own process, which can include delegation of decisions on complaints. Indeed, as the statutory provisions no longer give the Standards Committee or monitoring officer special powers to deal with complaints, it is necessary for Council to delegate appropriate powers to a committee/panel and to the monitoring officer.
- Decision whether to investigate a complaint

In practice, the Standards for England guidance on initial assessment of complaints provided a reasonably robust basis for filtering out trivial and tit-for-tat complaints. It may be appropriate to delegate to the monitoring officer the initial decision on whether a complaint requires investigation,

subject to consultation with the Independent Person and the ability to refer particular complaints to the a committee/panel where it would be inappropriate for the monitoring officer to take a decision on it. An example would be where the monitoring officer has previously advised the member on the matter or the complaint is particularly sensitive. These arrangements would also offer the opportunity for the monitoring officer to seek to resolve a complaint informally, before taking a decision on whether the complaint merits formal investigation.

- “No Breach of Code” finding on investigation

Where a formal investigation finds no evidence of failure to comply with the Code of Conduct, the current requirement is that this is reported to the Standards Committee and the Committee take the decision to take no further action. In practice, it would be reasonable to delegate this decision to the monitoring officer, but with the power to refer a matter to a committee if appropriate. It would be sensible if copies of all investigation reports were provided to the Independent Person to enable them to get an overview of current issues and pressures, and that the monitoring officer provide a summary report of each such investigation to a committee or panel for information.

- “Breach of Code” finding on investigation

Where a formal investigation finds evidence of failure to comply with the Code of Conduct, there may yet be an opportunity for local resolution, avoiding the necessity of a local hearing. Sometimes the investigation report can cause a member to recognise that his/her conduct was at least capable of giving offence, or identify other appropriate remedial action, and the complainant may be satisfied by recognition of fault and an apology or other remedial action. However, it is suggested that at this stage it would only be appropriate for the monitoring officer to agree a local resolution after consultation with the Independent Person.

In all other cases, where the formal investigation finds evidence of a failure to comply with the Code of Conduct, it would be necessary for a committee/panel to hold a hearing at which the member against whom the complaint has been made can respond to the investigation report, and the committee/panel can determine whether the member did fail to comply with the Code of Conduct and what action, if any, is appropriate as a result.

- Action in response to a Hearing finding of failure to comply with Code

The Act does not give the Council or its Standards Committee any powers to impose sanctions such as suspension or requirements for training or an apology on members. So, where a failure to comply with the Code of Conduct is found, the range of actions which the authority can take in respect of the member is limited and must be directed to securing the continuing ability of the authority to continue to discharge its functions effectively, rather than “punishing” the member concerned. In

practice, this might include those sanctions listed at recommendation 1.7 above

There is a particular difficulty in respect of Parish Councils, as the Localism Act gives the Standards Committee no power to do any more in respect of a member of a Parish Council than make a recommendation to the Parish Council on action to be taken in respect of the member. Parish Councils will be under no obligation to accept any such recommendation. The only way round this would be to constitute the committee/panel hearing an investigation and Hearings Panels as a Joint Committee and Joint Sub-Committees with the Parish Councils, and seek the delegation of powers from Parish Council to the Hearings Panels, so that the Hearings Panels can effectively take decisions on action on behalf of the particular Parish Council.

### 3.4 Appeals

There is no requirement to put in place any appeals mechanism against such decisions. The decision would be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the authority had no power to impose.

## 4. OTHER OPTIONS CONSIDERED

The wide statutory provision in the Localism Act permits all the options detailed above for consideration.

## 5. RESOURCE IMPLICATIONS

The resource implications of any new regime are unknown. The cost of implementation must be a relevant consideration to ensure any new regime can be provided within budget.

## 6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

The provisions detailed above are proposed to mitigate the risk of challenge in respect of adequate provision as required by the Localism Act 2011 to ensure the Council promotes and maintains high standards of conduct.

## 7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

Not applicable

## 8. CRIME AND DISORDER IMPLICATIONS

There are no crime and order implications arising from this report.

## 9. COMMENTS OF FINANCIAL SERVICES

Any comments will be supplied to for the meeting.

## **10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

Both the monitoring officer and the deputy monitoring officer have worked closely with the Chairman and Vice Chairman of the Standards Committee to ensure complaints received have been processed in accordance with regulatory requirements. The Standards Committee have worked hard to ensure that all complaints are dealt with fairly and effectively. The Committee is best placed to develop options and make recommendations for future ways of working.

## **11. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

None applicable

## **12. APPENDICES:**

Draft LGA Code  
Draft DCLG Illustrative Code  
Draft LCC Code

## Template Code of Conduct

As a member or co-opted member of *[X authority]* I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

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

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

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

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

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

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

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in *[X authority]* this will be done as follows: *[to be completed by individual authorities]*

As a Member of [X authority], my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- 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 the [county][borough][Authority's area] or the good governance of the authority in a proper manner.
- 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/co-opted member of this authority.
- 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.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- 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.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- 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.



**Bob Neill MP**  
*Parliamentary Under Secretary of State*

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11 April 2012

**To all Local Authority Leaders**

Dear Colleague,

I am writing to let you know that my Department is today making available an illustrative text for a code of conduct for members and co-opted members of local authorities. This text provides local authorities with an example of what a local authority's code of conduct for the new standards arrangements might look like.

We have made provision in the Localism Act 2011 for the abolition of the Standards Board regime, and the Standards Board itself was abolished on 31 March. The Act also makes provision for new standards arrangements including the involvement of an independent person in allegations of misconduct, a new criminal offence for failing to declare or register interests, and the requirement for local authorities to adopt a code of conduct that is consistent with the seven 'Nolan' principles of standards in public life; selflessness, integrity, objectivity, accountability, openness, honesty and leadership, as well as making provision for the registration and disclosure of pecuniary and non-pecuniary interests.

The model code of conduct was a key part of the Standards Board regime, a top-down, centrally imposed regime that became a vehicle for vexatious complaints. Moving to new arrangements means that local authorities will be free to discard the model code and adopt their own, Nolan compliant, code. In order to give local authorities an idea of what a Nolan compliant model code featuring provisions about pecuniary and not pecuniary interests might look like, I am attaching an example. As you will see, it is very different to the model code that formed part of the Standards Board regime, while clearly requiring that members act in a manner that promotes and maintains high standards of conduct.

Together, these measures will ensure high standards in public life, prevent corruption, and put a stop to petty, vexatious complaints that consume local authority resources and damage the reputation of local government.

We have produced this example of a local code to provide certainty to local authorities who wish to adopt a lighter touch code compared to the centralist, top-down model code, and to help local authorities (especially parish councils) who might otherwise consider they need to commit valuable resource to creating a code to ensure compliance with the Localism Act. I hope you find the example code of conduct helpful.

A handwritten signature in blue ink, appearing to read "B Neill", with a large, sweeping flourish extending from the end.

**BOB NEILL MP**

### **Illustrative text for code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity**

You are a member or co-opted member of the [name] council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member -

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

#### **Registering and declaring pecuniary and non-pecuniary interests**

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.<sup>1</sup>

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

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<sup>1</sup> A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

## **Lincs Principal Authorities' draft Template Code of Conduct**

.....Council have adopted this Code setting out the expected behaviours required of its members or co-opted members, acknowledging that they each have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity all Councillors must be committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

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

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

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

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

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

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

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in [*X authority*] this will be done as follows:

On taking up office a member or co-opted member must, within 28 days of becoming such, notify the Monitoring Officer of any 'disclosable pecuniary interests', as prescribed by the Secretary of State.

On re-election or re-appointments, a member or co-opted member must, within 28 days, notify the Monitoring Officer of any 'disclosable pecuniary interests not already included in his or her register of interests.

If a member or co-opted member is aware that they have a 'disclosable pecuniary interest' in a matter they must not participate in any discussion or vote on the matter at a meeting.

If a member or co-opted member is aware of a 'disclosable pecuniary interest' in a matter under consideration at a meeting but such interest is not already on the Council's register of interests or in the process of entry onto the register having been notified to the Monitoring Officer, the member or co-opted member must disclose the 'disclosable pecuniary interest' to the meeting and register it within 28 days of the meeting at which it is first disclosed.

[The Council has adopted Council Procedure Rules requiring:

- a member or co-opted member with a 'disclosable pecuniary interest' to withdraw from the meeting while any discussion or vote on any matter relating to it takes place, taking no part in the debate or vote – EXCEPT that a member or co-opted member with a 'disclosable pecuniary interest' may take part in any public speaking scheme at that meeting but must leave the room immediately after having so participated.
- ? anybody proposing to do anything about declaration/withdrawal for any non-pecuniary interests...???

