

Standards Committee

Thursday, 15th September, 2022, 6.00 pm

Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH

Agenda

1 Apologies for Absence

2 Declarations of Interest

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

3 Minutes of the Last Meeting

(Pages 3 - 6)

Minutes of the Standards Committee hearing held on 6 September 2021, to be signed as a correct record.

4 Minutes of the Code of Conduct Working Group

(Pages 7 - 18)

Minutes of the Code of Conduct Working held on Thursday, 23 June 2022 attached to be signed as a correct record.

Minutes of the Code of Conduct Working Group held on 21 April 2022, 4 March 2022, and 16 December 2021 attached for information.

5 Review of Members Code of Conduct

(Pages 19 - 46)

Report of the Director of Governance and Monitoring Officer attached.

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Standards Committee Councillors Carol Wooldridge (Chair), Derek Forrest, Renee Blow, Carol Chisholm, Susan Jones, David Suthers, David Haley (Independent Person), Barry Parsonage (Independent Person) and Jacqui Mort (Vice-Chair)

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

Forthcoming Meetings

6.00 pm Thursday, 15 December 2022 - Shield Room, Civic Centre, West Paddock,
Leyland PR25 1DH

Agenda Item 3



Minutes of	Standards Committee
Meeting date	Monday, 6 September 2021
Members present:	Councillors Carol Wooldridge (Chair), Jacqui Mort (Vice-Chair), Carol Chisholm, Derek Forrest and Susan Jones
Independent Person:	David Haley
Officers:	Chris Moister (Director of Governance), Alex Jackson (Shared Legal Services Team Leader) and Clare Gornall (Democratic and Member Services Officer)
In attendance:	Councillor Barrie Yates; and Mr Ken Hind, legal representative for Councillor Yates

1 Apologies for Absence

Apologies were received from Councillors Blow and Suthers.

2 Declarations of Interest

Councillor Wooldridge declared a personal interest in relation to Minute 6 insofar as she was a member of Penwortham Town Council.

Mr Ken Hind, who was in attendance at the meeting his capacity as legal representative to the subject member, made submissions in respect of Minute 6 below regarding members' declarations of interest and alleged predetermination of the complaint.

[The Committee adjourned the meeting to consider the representations made as to whether the hearing should go ahead].

RESOLVED: – The Committee agreed to proceed with the hearing.

3 Minutes of the Last Meeting

RESOLVED:- That the minutes of the Standards Committee held on 21 January 2020 be approved and signed as a correct record.

4 Standards Committee Procedure Rules

The Standards Committee Procedure Rules, Members Code of Conduct and Guidance on the Code of Conduct were attached to the agenda for information to assist members pursuant to Minute 6 below.

Agenda Item 3

2

5 Exclusion of Press and Public

RESOLVED:– That the press and public be excluded from the following item of business on the grounds that involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

6 Standards Hearing - Complaint Against a Councillor

Mr Chris Moister, Director of Governance and Monitoring Officer submitted a report to members giving details of the findings an investigation carried out by the appointed Investigating Officer, Mr Alex Jackson, in respect of a standards complaint received on 18 December 2020.

Mr Jackson presented his findings to the Committee and explained the reasons for his conclusions. Mr Jackson was then interviewed by the Committee.

Mr Ken Hind, representing the Subject Member, Councillor Barrie Yates, made submissions to the Committee and was interviewed. Councillor Yates also answered questions put by members of the Committee. Councillor Yates, through his representative, made his closing remarks.

[The meeting was then adjourned and the Committee made its deliberations in private].

RESOLVED:- The Committee determined that there had been a breach of the Code of Conduct (as detailed in the report of the Standards Committee to Council) as follows:-

A) Identified Breaches

- i) The committee considered part A paragraph 10 of the Code of Conduct. This states

“It is not enough to avoid impropriety; perception is also important. Members should at all times avoid any occasion for suspicion and any appearance of improper conduct.”

Even had members accepted Cllr Yates’s intentions as being a valid consideration, the public perception of his behaviour would have overcome them.

- ii) Cllr Yates breached Part C paragraph 1 of the code of conduct (general obligations) by failing to treat Cllr Flannery with respect.

Reason – The behaviour was primarily contained in his exchange with and directed to Cllr Flannery.

- iii) Cllr Yates breached Part C paragraph 2(b) of the Code of Conduct (General Obligations) by bullying other persons namely Cllr Flannery, Cllr Adams and Cllr Hancock.

Agenda Item 3

3

Reason – the behaviour was intended to prevent the participation of Cllr Flannery, Cllr Adams and Cllr Hancock and was found to have placed undue and inappropriate pressure on them. It was also noted that the behaviour succeeded in discouraging Cllr Hancock from participating.

- iv) Cllr Yates breached Part A paragraph 9 of the Code of Conduct by bringing the Council into disrepute

Reason – the finding that Cllr Hancock did not participate in a decision-making process undermines the both the integrity of that decision and the public's confidence in the council. and

The action of mimicking placing a call to the emergency services where there is no justification for doing so undermines the public perception of members of the council.

- v) The Committee elected to make no findings in relation to the conduct towards the Head of Legal and acknowledged that the apology already provided would have resolved that matter in any event.

B) Sanction

Arising from the findings of breach the Committee request:-

1. That the outcome of this hearing be reported to full Council in public session.

Reason – the incident took place during a public meeting and it is important that the public see and understand its resolution.

2. The Monitoring Officer is instructed to arrange one to one training for Cllr Yates such arrangements to be made within 2 weeks of this hearing.

Reason – training is necessary to ensure Cllr Yates has a full understanding of the requirements of the code of conduct.

3. Members also wish to make the following observation. Whilst the removal of Cllr Yates from the Planning Committee was seen as a mitigating factor, the Committee wish to be clear that they view the behaviours of Cllr Yates as so serious, particularly the finding of the breach of code relating to bullying, that they would have considered making a recommendation to full council seeking his removal from the Planning Committee.

[Full details of the report and decision notice submitted to Council on 22 September 2022 can be accessed on the website here.](#)

Agenda Item 3

4

Chair

Date

Minutes of **Code of Conduct Working Group**

Meeting date **Thursday, 23 June 2022**

Members present: Councillors Carol Wooldridge and Jacqui Mort;
Mr David Haley - Independent Person and
Mr Barry Parsonage – Independent Person

Officers: Chris Moister (Director of Governance), Dave Whelan (Shared Services Lead - Legal & Deputy Monitoring Officer) and Clare Gornall (Democratic and Member Services Officer)

1 Apologies for absence

Apologies were received from Councillor Turner.

2 Declarations of interest

There were none.

3 Minutes of last meeting

The minutes of the meeting held on 21 April 2022 were agreed as a correct record.

4 Code of Conduct Review

The Director of Governance and Monitoring Officer presented a revised Members Code of Conduct for consideration, incorporating the proposed changes and comments made at the last meeting.

Reference was made to inclusion of the distinction between “affects” and “directly relates” on page 14, which the Working Group agreed was very helpful. The Monitoring Officer explained that the guidance would sit alongside the Code, and specific, practical examples discussed during the training for elected members.

The Group noted that the additional text regarding bringing the Council into disrepute on page 5 and agreed it was an integral part of the Code, not all of which was repeated later in the guidance. They expressed the view that the text should be more declaratory i.e. 1st person, as reflected throughout the document as a whole.

With regard to page 7, members agreed to keep the text regarding bad conduct as a helpful reminder.

With regard to page 12 – Gifts and Hospitality members agreed the revised wording was an improvement.

Agenda Item 4

2

Members queried the proposed value of £50 at paragraph 2.2. The Monitoring Officer suggested leaving this paragraph in, as one of the aims of the Code was to provide consistency and a substantial number of Councils would be adopting this wording. He proposed that the Code could always be reviewed next year, when it would be possible to make a comparison with other local authorities.

This proposal was agreed by the Group and further that the Code be reviewed on an annual basis to address any issues that had arisen during the year.

It was also suggested that specific training on the Code be provided to members of the Planning Committee.

The Group also felt that Code of Conduct training for all elected members was a good opportunity to emphasize the availability of Independent Persons if a member wished to approach them about any matter.

On page 17, reference was made to the slight differences in the wording in the table of Disclosable Pecuniary Interests between the Revised Code and the SR Guidance document. It was agreed that the Code and supporting Guidance be amended to sit with each other.

RESOLVED:

- i) That the revised Code of Conduct and supporting Guidance be amended as agreed;
- ii) That the Standards Complaints and Investigation Procedure be updated in accordance with the revised Code;
- iii) That the revised Code of Conduct, supporting Guidance and the updated Standards Complaints and Investigation Procedure be presented to a future meeting of Council;
- iv) That the Code of Conduct be reviewed annually; and
- v) That the views of the Working Group as regards training be adopted.

Chair

Date

Minutes of Code of Conduct Working Group

Meeting date Thursday, 21 April 2022

Members present: Councillors Carol Wooldridge and Jacqui Mort; and David Haley – Independent Person.

Officers: Dave Whelan (Shared Services Lead - Legal & Deputy Monitoring Officer) and Clare Gornall (Democratic and Member Services Officer)

10 Welcome and Introduction

The Chair welcomed everyone to the meeting.

11 Apologies

Councillor Ange Turner and Barry Parsonage submitted their apologies to the meeting.

12 Declarations of interest

There were none.

13 Minutes of the last meeting

RESOLVED:- That the minutes of the last meeting held on 4 March 2022 be agreed.

14 Government Response to the Report of the Committee on Standards in Public Life

Dave Whelan, Deputy Monitoring Officer presented a report to the Working Group giving members details of the long-awaited Government response to the Committee on Standards in Public Life review of local government ethical standards.

The Government provided a response to each of the recommendations made by the Committee. The Working Group considered each those responses in turn. The key issues and comments made by the Working Group were as follows:-

Recommendation 1 – it remains a local decision to adopt a code of conduct, but the LGA model code is not mandatory – this was noted.

Recommendation 2 – “The government will engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address.”

There were differing views expressed on this proposal. One view was that councillors increasingly feel vulnerable especially women on their own, and in any case councillors are increasingly contacted by phone or email.

Another view expressed was that the electorate prefer to know if their candidate or councillor lives locally, as this may affect voting intentions.

It was suggested that information such as “resident in [name of electoral ward]”, with a postcode, on the ballot paper / website may provide a solution.

Recommendation 3 – with regard to social media – the South Ribble Code already includes reference to social media which can be amended if required.

Recommendation 7 – it was noted that the Government has no immediate plans to repeal Section 31 and change the rules relating to Disclosable Pecuniary Interests.

Recommendation 8 – the Government rejected the recommendation that Independent persons have fixed term of two years. The Working Group agreed with the Government’s view; it is difficult to recruit Independent persons and much knowledge and experience would be lost.

Recommendations 10,12, 13, 14, and 16 – it was noted that the Government rejected the introduction of a number of sanctions. Members felt that the current standards regime was at a disadvantage without more robust sanctions.

The Group disagreed with some of the recommendations such as the right of appeal to the Parliamentary Ombudsman (when there was no connection to local government) and the introduction of voting rights for independent persons, which compromised the role of being purely advisory.

Recommendation 17 – “The occasion where councils would seek to bar councillors from council premises are thought to be extremely rare. We will consider this further.”

It is debatable whether it would be practicable to bar councillors from council premises, given the need to attend council meetings and have access to member resources such as IT equipment. Effectively, they would need to be suspended as a Council member. Then there would also be an impact on other group members, ward members and committees, giving rise to potential risk of such action being politically motivated.

Recommendation 18 – It was noted that the Government rejected the notion that that the criminal offences in the Localism Act relating to Disclosable Pecuniary Interests should be abolished.

The Working Group noted that in practice there had been no prosecutions under this legislation.

RESOLVED:- That the report be noted.

15 LGA Model Code of Conduct

The Working Group gave consideration to the LGA Model Code of Conduct alongside the current South Ribble Code.

Members took the view that there were some aspects of the South Ribble Code which were useful and not included in the LGA Model Code. They emphasized that the Members Code of Conduct should use clear, simple language and be written in first person. It was agreed that the Working Group would take the LGA Model Code as a starting point and amend the document accordingly.

The Working Group discussed each paragraph of the Model Code individually and compared it to the equivalent part of the South Ribble Code. A number of comments, amendments and additions were made in relation to the following paragraphs:-

- 1 - General principles of councillor conduct;
- 2 - Bullying, harassment and intimidation as a councillor;
- 3 - Confidentiality;
- 4 - Disrepute.
- 7 - Use of local authority resources and facilities
- 8 – Complying with the Code of Conduct
- 9 – Interests (consider making this a separate section of the Code as refers to Table 1 and Appendix B)
- 10 – Gifts and Hospitality

Appendix B – Registering Interests and Table 1 – Disclosable Pecuniary Interests.

Detailed notes were added to the live document in the meeting, to enable to the Deputy Monitoring **Officer** to consider the issues raised and update the document for the next meeting of the Working Group.

RESOLVED:-That the Deputy Monitoring **Officer** to consider the issues raised and update the document for the next meeting of the Working Group.

Chair

Date

This page is intentionally left blank

Minutes of	Code of Conduct Working Group
Meeting date	Friday, 4 March 2022
Members present:	Councillors Carol Wooldridge (in the Chair); Jacqui Mort and Angela Turner Independent persons:- Mr David Haley and Mr Barry Parsonage
Officers:	Clare Gornall (Democratic and Member Services Officer)

5 Welcome and Introduction

The Chair welcomed all in attendance to this meeting of the Code of Conduct Working Group.

She informed members of the Group that unfortunately, the Deputy Monitoring Officer, Dave Whelan, had been unavoidably delayed and was unable to attend. The Group agreed to proceed with the meeting to express their views on the LGA Model Code of Conduct with a view to continuing discussions at the next meeting.

6 Apologies

None, other than Dave Whelan, Deputy Monitoring Officer as explained above.

7 Declarations of interest

None.

8 Minutes of last meeting

RESOLVED:- That the minutes of the meeting held on 16 December 2022 be agreed.

9 Report to Code of Conduct Working Group

The Group considered a report of the Director of Governance and Monitoring Officer, which requested views on the new LGA template Code of Conduct circulated at the last meeting.

Having further considered the document, Members expressed a number of concerns about some areas of the LGA Model Code. It was felt that the Model Code was significantly more complex in parts than the Council's existing Code, and that some areas included in the current Code which were useful were not included in the Model Code.

The Working Group made the following comments:-

- Considering the new Model template is meant to simplify the Code, the LGA Model Code is 16 pages, compared to the 11 pages on the Current Code
- In page 18 and 19 of the Model Code regarding interests, there are more categories i.e. “Other registerable” and “Non Registerable” interests. There are now 9 explanatory paragraphs relating to interests in comparison to 4 in the SR Code
- With regard to declarations of interests, clarification as to interpretation of “affects” versus “relates to”.
- The document the Council adopts needs to be in clear, accessible language – “plain English”.
- Include a sentence in the Code stressing that members seek legal advice from the Monitoring Officer and if in doubt, declare.

Reference was made to the recent hearing concerning a Planning Committee and to the issue of members of Penwortham Town Council declaring a personal interest. It could be argued that those members may have had to leave the room if the proposed Model Code of Conduct had been in effect at that time, as it much more strongly worded than the existing Code.

In another example, reference was made to Gifts and Hospitality and phrases such as “real or substantive” and “significant” which are all very subjective, as are some of the principles e.g. “that resources are not used for political purposes” which is open to interpretation.

Reference was made to Paragraph 4, i.v.3 “have consulted the Monitoring Officer prior to its release” is an example of how the Model code differs from the current Code. It was also noted that in cases where a report is issued late it is not always possible to consult the Monitoring Officer.

It was agreed that the new Code would require a review of the language and further member training on declaration of interests.

Other proposed changes / comments on the Model Code included

- The Code should be written in first person
- The Code should be simplified, and written in “plain English” (perhaps utilise a communications officer to assist).
- The Code should make explicit that a councillor has right of access to an Independent Person, embedded in the document (not just mentioned in the Standards Procedure).
- The clause on social media (page 11) was welcomed
- Is the figure for declaration of gifts and hospitality set at the right level (£50?)

RESOLVED:- That at the next meeting, the Working Group will review the Model Code making a detailed comparison with the current South Ribble Code, marking out with tracked changes where the differences arise.

Chair

Date

This page is intentionally left blank

Members agreed that there was a lot information to consider with the report; therefore, it was suggested that the Working Group take time before the next meeting to read the documents in more depth and consider how the Model Code might meet the objectives of the Council. It was also agreed that the Model Code and Investigations Procedure be considered at separate meetings.

RESOLVED:-

1. That the Terms of Reference at paragraphs 16 – 18 of the report be approved;
2. That that the Working Group take time before the next meeting to read the documents in more depth and consider how the LGA Model Code might meet the objectives of the Council;
3. That the next meeting of the Working Group be used to consider the Model Code of Conduct; and
4. That following (3), a separate meeting be convened shortly afterwards to consider the Complaints and Investigations Procedure.

Chair

Date

Report of	Meeting	Date
Director of Governance and Monitoring Officer	Standards Committee	Thursday, 15 September 2022

Review of Members Code of Conduct

Is this report confidential?	No
------------------------------	----

Is this decision key?	No
-----------------------	----

Purpose of the Report

1. Members are asked to consider the proposed changes to the Code of Conduct for Members and the Investigations Procedure document.

Recommendations to Standards Committee

2. That the new Code of Conduct (at appendix A) is recommended to Council for approval.
3. That the Investigations and Hearing Procedure (appendix B) is recommended to Council for approval.

Reasons for recommendations

4. The Code of Conduct for members should be reviewed regularly to ensure it assists members to maintain the highest standards of behaviour. A new model code of conduct was issued to reflect recommendations made at a national level. The recommendation in this report reflects careful consideration of the model code and incorporates the improvements advocated.
5. The changes to the Investigations and Hearing Procedure reflect the direction of the Code of Conduct working group, making the procedure simpler and quicker whilst not impacting on the fairness both to members and complainants.

Other options considered and rejected

6. The Code of Conduct and Investigation and Hearings Procedure are personal to each local authority so there is no requirement to change it. Similarly there is no direction to change the procedure document, however, failure to do so when there are identifiable improvements is a lost opportunity.

Agenda Item 5

Corporate priorities

7. The report relates to the following corporate priorities: (please bold all those applicable):

An exemplary council	Thriving communities
A fair local economy that works for everyone	Good homes, green spaces, healthy places

Background to the report

8. Last year the Local Government Association, after a period of consultation issued a new Model Code of Conduct for councillors. It reflected and incorporated recommendations that had been made by a number of bodies since the previous model code had been issued, most notably the report of the Office for Standards in Public Life.
9. Standards Committee met and resolved to establish a working group to include the Independent Persons, to consider the new model code and to make recommendations on a new form code to be adopted.
10. At the conclusion of the review the working group tasked the monitoring officer to review the Investigation and Hearing Procedure and make proposals to Standards Committee which would
 - a. Make the procedure simpler to follow;
 - b. Improve the speed of the investigations; and
 - c. Make it clear to members potential sanctions that can be imposed.

New Proposed Code of Conduct

11. The proposed Code of Conduct is attached at Appendix A. Members can trace the development of the code through the Working Groups papers, available on Mod.Gov. Members are asked to consider the proposed Code as a new document, rather than looking at what has changed it is important to decide whether the new document is fit for purpose.
12. As far as the working group felt appropriate, changes to the model code were kept to a minimum in an effort to ensure consistency across different local authorities.
13. The Monitoring Officer and Deputy supported the working group and can confirm the proposed Code of Conduct discharges the Council's legal obligations.

New Proposed Investigations and Hearing Procedure

14. Recent investigations have demonstrated that the existing procedure is lengthy with steps included within it that are unnecessary. Changes to the Code itself, which will now include an obligation on members to co-operate with investigations, will assist in progressing matters, but simplifying the procedure was essential.
15. The new proposed procedure reflects the existing 3 stage plus public interest test at the outset and removes the initial contact with the member complained of. The initial 3 stage test is
 - a. Is the member currently a councillor? and

Agenda Item 5

- b. Was the member acting in that capacity when they were complained of? and
- c. If the allegation is true, is it a breach of the code of conduct?

16. If this is applied on assessing the complaint, it is not necessary to speak to the subject member prior to the investigation, the tests simply establishing whether the conduct complained of is a breach at all. The public interest test which follows addresses whether it is in the public interest to investigate if the first 3 tests are satisfied.
17. There is significant responsibility placed upon the Monitoring Officer and independent person in this initial stage in the procedure. However, this is important to maintain independence from members and consistency in approach.
18. The next stage should it be decided that the conduct complained of was a breach and was serious enough, would be to consider a local resolution. This would require the agreement of the complainant and the subject member but would be an agreed resolution, usually by way of an apology or similar.
19. As proposed more serious matters would be referred for investigation and then listed for a hearing before the standards committee.

Climate change and air quality

20. The work noted in this report does not impact the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place.

Equality and diversity

21. There are no equality implications arising from this report.

Risk

22. There are no risks arising from this report.

Comments of the Statutory Finance Officer

23. There are no financial implications arising from this report.

Comments of the Monitoring Officer

24. Relevant legislation and good practice have been taken into account when considering the New Code and Investigations and Hearings Procedure. What is proposed should assist with the achievement and maintenance of good Member conduct.

Background documents

Links to meetings, reports and minutes of the Code of Conduct Working Group:

[16 December 2021](#)

[4 March 2022](#)

Agenda Item 5

[21 April 2022](#)

[23 June 2022](#)

Appendices

Appendix A – New Code of Conduct

Appendix B – Investigations and Hearings Procedure

Report Author:	Email:	Telephone:	Date:
Chris Moister, Dave Whelan (Director of Governance, Shared Services Lead - Legal & Deputy Monitoring Officer)	chris.moister@southribble.gov.uk, david.whelan@southribble.gov.uk		7 September 2022



Local Government Association
Model Councillor Code of Conduct 2020

Joint statement

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

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

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

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

Introduction

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

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

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

Definitions

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

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

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

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

Purpose of the Code of Conduct

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

General principles of councillor conduct

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

These Seven principles are:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

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

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

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

In undertaking my role:

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

Application of the Code of Conduct

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

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

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

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

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

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

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

As a Councillor I also agree to the following:-

Where I act as a representative of the Council:

- (a) on another relevant authority, I shall, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, I shall, when acting for that other body, comply with my authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

I accept that it is my responsibility to comply with the Code of Conduct in all respects. I shall regularly review my personal circumstances and intended actions in the context of the Code.

I accept that the Code is not intended to be an exhaustive list of all the obligations that apply to me. It is my responsibility to comply with the provisions of the Code, the Council's Constitution, as well as such other legal obligations and all relevant Council Policies as may apply from time to time.

I shall not do anything in my capacity as a councillor, which I could not justify to the public or could not justify by law. My conduct and what the public believe about my conduct will affect the reputation and credibility of Members and the Council as a whole.

I shall always conduct myself in a way which will maintain and strengthen the public's trust and confidence in the integrity of this Council and should never undertake any action which would bring this Authority, or its Members and Officers generally, into disrepute.

I accept that it is not enough to avoid impropriety; perception is also important. I shall at all times avoid any occasion for suspicion and any appearance of improper conduct.

Failure to comply with the Code of Conduct may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.

Standards of councillor conduct

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

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

Part 1

General Conduct

1. Respect

As a councillor:

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

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

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

If you chair a meeting you are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct taking place.

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

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

officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully or intimidate any person.

2.2 I do not harass any person.

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

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

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

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

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

Bad conduct on your part in respect of these duties could have a particular adverse effect on the reputation of the council.

3. Impartiality of officers of the council

As a councillor:

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

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

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

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

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

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

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

5. Disrepute

As a councillor:

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

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

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

6. Use of position

As a councillor:

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

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

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

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

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

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

Examples include:

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

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use. You should never use the Council's resources for purely party political purposes, including designing and distributing party political material produced for publicity purposes.

8. Complying with the Code of Conduct

As a Councillor:

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

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

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

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

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

In terms of para 8.4 it is recognised that a councillor may seek to challenge legally an adverse finding against him (albeit such rights of challenge are limited). In the event that any such challenge is unsuccessful then a councillor would be expected to comply fully with the sanctions that had been imposed on him.

Part 2

Protecting your reputation and the reputation of the local authority – Interests and Gifts and Hospitality

1. Interests –

As a councillor:

1.1 I register and disclose my interests.

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

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

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

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

2. Gifts and hospitality

As a councillor:

2.1 I do not accept gifts or hospitality, irrespective of estimated value, which a reasonable member of the public knowing all of the facts would believe could influence me to show favour for persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

2.1 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

2.2 I also register with the Monitoring Officer the donor of the gift or hospitality.

2.3 I register with the Monitoring Officer any gift or hospitality that I have been offered but have refused to accept.

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

Appendices

Appendix A - Registering interests

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

"Affects" means that any relevant interest you have may be indirectly benefited by a decision

"Directly Relates" means that a decision directly benefits any relevant interest you have

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

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

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

Non participation in case of disclosable pecuniary interest

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

Disclosure of Other Registerable Interests

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

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. ***In order to determine whether you can remain in the meeting after disclosing your interest the test set out in the following paragraph should be applied:-***

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

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

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

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Table 1: Disclosable Pecuniary Interests

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

In the extracts from the Regulations set out below, “you” and “relevant person” means you and your partner.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from this authority) made or provided within the relevant period in respect of any expenses incurred by you carrying out duties as a member, or towards the election expenses of you or your partner. 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 which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and this authority— (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 relevant authority.
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 yours or your partners knowledge)— (a) this authority is the landlord; and (b) the tenant is a body in which you or your partner have a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to your knowledge) has a place of business or land in the area of your relevant authority; and (b) either—

	<p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p> <p>spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
--	---

Table 2: Other Registrable Interests

<p>You must register as an Other Registrable Interest :</p> <ul style="list-style-type: none"> a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) <p style="text-align: center;">of which you are a member or in a position of general control or management</p>
--

Appendix B – the Committee on Standards in Public Life

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

The recommendations cover:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix B

INVESTIGATION AND HEARING PROCEDURE

1. Introduction

This procedure applies when a complaint is received that a Member, Co-opted Member or Parish Member has or may have failed to comply with the Code of Conduct for Members.

The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as the “Subject Member.”

No Member or Officer will participate in any stage of the arrangements if he or she has, or may have, any personal conflict of interest in the matter.

Making a complaint

A complaint must be made in writing to: –

Chris Moister,

Monitoring Officer

South Ribble Borough Council

Civic Centre

Leyland

PR25 1DH

OR

chris.moister@southribble.gov.uk

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it.

Initial Assessment

The Monitoring Officer will carry out the initial assessment of any complaint. This will normally be in conjunction with one of our Independent Persons.

The Monitoring Officer will in assessing the complaint assume the allegation to be true and then ask the following questions:-

1. was the councillor a sitting councillor at the time of the alleged behaviour? And
2. was the councillor acting in that capacity at that time (it is a rebuttable presumption they were)? And
3. Is the behaviour complained of a breach of the code of conduct?

If the answer to any of those 3 questions is no then the complaint will be rejected.

In deciding how to progress a valid complaint, the Monitoring Officer must decide if it is in the public interest for it to proceed. In assessing the public interest the following factors will be taken into account

- Is the complaint vexatious does it appear to be malicious, vexatious, politically motivated or tit-for-tat
- Has there been a similar previous complaint(s) which has already been resolved.
- Is the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit in taking action now
- Is the complaint is serious enough to merit any action and:-
 - (i) The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations or;
 - (ii) Whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation
- Is the Member is relatively inexperienced, or has admitted making an error and the matter would not warrant a more serious sanction
- Is there a wider problem throughout the authority which ought to be addressed on a more corporate basis
- Whether training or conciliation would be the appropriate response.

Having applied the public interest test the Monitoring Officer, in consultation with an Independent Person, will decide to either

- Take no action; or
- Refer the matter for Informal Resolution; or
- Refer the complaint for investigation; or
- Take any action they feel would resolve the issue.

In reaching the decision the Monitoring Officer must have regard to the views of the Independent Person and must, should they decide not to follow the IP's recommendation, provide reasons for departing from it.

Informal Resolution

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps.

If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authorities.

The Monitoring Officer will endeavour to seek resolution of complaints without formal investigation wherever practicable.

Where the Monitoring Officer offers Informal Resolution and the subject members declines the complaint would usually be referred for investigation.

Investigation

If the Monitoring Officer decides that a complaint merits formal investigation then he may appoint an Investigating Officer. The Investigating Officer will usually meet the complainant, the subject of the complaint and any other person they think appropriate to undertake a fair investigation. They may also review other evidence such as but not limited to documents or recordings of meetings or the incident.

All members are reminded that the Code of Conduct includes a requirement on members to co-operate with standards investigations.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to the Complainant and to the Subject Member, for comments. The Investigating Officer will take such comments into account, before issuing their final report to the Monitoring Officer.

The Investigation may recommend:-

- No identified breach of the code of conduct; Having reviewed the report and if satisfied with the recommendation, the Monitoring Officer will issue a Confirmation Decision confirming no breach, notify the Subject Member and complainant and close the matter.
A copy of the report and Confirmation Decision will be made available to the Independent Person and Parish Council Clerk if the subject member is a parish councillor.

If the Monitoring Officer is not satisfied the investigation has been conducted satisfactorily, they will refer it back to the Investigating Officer seeking reconsideration of the points at issue.

- There is an identified breach or breaches of the code of conduct; If the Monitoring Officer agrees with the conclusion of the Report they will either
 - After consultation with the Independent Person seek Informal Resolution; or
 - Arrange for a Hearing Panel to consider the complaint and determine the outcome.

Hearings Panel

The Hearings Panel will consist of either the full Standards Committee or a sub-committee of that Committee, no less than 3 members.

The Independent Persons are invited to attend all meetings of the Hearings Panel and their views must be sought and taken into consideration before the Hearings Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

The Council has agreed a procedure for local hearings which is attached as Appendix A.

The Chair of the Hearing Panel will usually follow the procedure but has the absolute discretion to depart from it and any such departure will not of itself invalidate the hearing.

At the conclusion of the Hearing the panel may find that there is no breach or that a member has failed to comply with the Code of Conduct. Where there is a finding of breach Hearings Panel may –

- Publish its findings in respect of the Member’s conduct; and/or
- Report its findings to Council (or to the Parish Council) for information; and/or
- Censure; and/or
- Recommend to the Member’s Group Leader (or in the case of un-grouped Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council; and/or
- Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from their Portfolio responsibilities; and/or
- Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member; and/or
- Recommend to Council or Parish Council that the Member be removed from all outside body appointments to which they have been appointed or nominated by the Council (or by the Parish Council); and/or
- Withdraw (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; and/or
- Exclude (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.

Any sanction imposed by the Hearings Panel shall commence immediately unless the Hearings Panel directs that a sanction shall commence on another date within six months from the imposition of the sanction.

The Chairman should normally announce the decision of the Hearings Panel at the hearing. Written confirmation of the findings of the Hearings Panel should be given as soon as is reasonably practicable to the Subject Member, Independent Person, Standards Committee of any other authority concerned, any parish council concerned, and any person who made an allegation that gave rise to the investigation.

The Hearings Panel and/or Standards Committee may consider making any recommendations to the authority concerned with a view to promote and maintain higher standards of conduct among its members.

Appeals

Subject to Judicial Review, or a decision of the Local Government Ombudsman, there is no right of appeal against a decision of the Monitoring Officer or of the Hearings Panel.

General Matters

Maintenance of Confidentiality by Members

Any Member involved in a complaint – whether as Complainant, Subject Member or Witness – is strongly recommended not to speak to the Press about the complaint (or to discuss it on social media) whilst that complaint is still being dealt with by the Monitoring Officer and/or Standards Committee

The Independent Person(s)

The Independent Person must be a person who has applied for the post following advertisement of vacancy for the post, and appointed by a positive vote from a majority of all the Members of Council at a meeting of the Full Council.

The Council currently has two such Independent Persons. Subject members may take advice from an Independent Person.

The detailed rules relating to who can be an Independent Person are set out in the Localism Act 2011.

Anonymous Complaints

If a Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the Initial Assessment stage. As a matter of fairness and natural justice, the Member should usually be told who has complained about them and receive details of the complaint.

If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the Complainant's wish to have his or her identity withheld from the Member.

HEARINGS PROCEDURE

1. Any hearing will either be before the full Standards Committee or a duly appointed Hearing Panel. Any reference to "Panel" in this procedure also refers to the Committee if the full Committee is sitting.
2. After everyone involved has been formally introduced, the Chair will explain how the Panel is going to run the hearing.
3. The Chair will introduce the Independent Person(s) and explain that whilst they do not have a decision making role they are present to provide an independent view which the Panel are obliged to consider.
4. The Subject Member may be represented or accompanied at the meeting by a solicitor or barrister, or with the permission of the Panel, another person.
5. The Chair will ensure that the Subject Member (the member the subject of the complaint) is ready and happy to proceed. If the Subject Member indicates that they are not ready, they must give reasons why. The Committee will decide whether the hearing should proceed and must act reasonably in coming to that decision.
6. If the Subject Member is not present at the start of the hearing:
 - The Chairman should ask the Monitoring Officer whether the Subject Member has indicated his/her intention not to attend the Hearing
 - The Panel should then consider any reasons which the Subject Member has provided for not attending the Hearing and should decide whether it is satisfied that there is sufficient reason for such failure to attend
 - If the Panel is satisfied with such reasons, it should adjourn the Hearing to another date
 - If the Panel is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Hearings Panel should decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the Hearing to another date.
7. With the permission of the Panel witnesses may give evidence either on behalf of the Investigator or on behalf of the Subject Member.

Findings of fact

8. The Panel will ask the Subject Member whether there are any significant disagreements about the facts contained in the Investigating Officer's report. If there is no disagreement about the facts, the Panel can move on to Stage 3.
9. If the Subject Member disagrees with any relevant fact in the Investigating Officer's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. A Subject Member would be expected to give at least 7 days' notice to the Monitoring Officer of any such disagreement with any relevant fact.

10. After considering the Subject Member's explanation for not raising the issue at an earlier stage, the Panel may then:

- continue with the hearing, relying on the information in the Investigating Officer's report
- allow the Subject Member to make representations about the issue, and invite the Investigating Officer to respond
- postpone the hearing to allow the Investigating Officer to consider and investigate the new issue.

11. Where prior notice of any disagreement has been given the Investigating Officer, will be invited to make representations on the challenged facts.

12. The Subject Member will then have the opportunity to make appropriate representations.

13. At any time, the Panel may question the Investigating Officer or the Subject Member.

14. The Panel will usually move to another room to consider the representations and evidence in private. Also present will be the Monitoring Officer, the Independent Person and a Democratic Services Officer. On their return, the Chair will announce the Panel's findings of fact.

Conclusions of the Panel

15. Having made the finding on the facts the Panel will then consider whether the Subject Member has failed to follow the Code.

16. The Subject Member should be invited to give relevant reasons why the Panel should decide that they have not failed to follow the Code.

17. The Panel should then consider any verbal or written representations from the Investigating Officer.

18. The Panel may, at any time, question anyone involved on any point they raise on their representations.

19. The Subject Member should be invited to make any final relevant points.

20. The Panel will then move to another room to consider the representations. The Monitoring Officer, the Independent Person and a Democratic Services Officer will accompany them. The views of the Independent Person should be sought and considered by the Panel. Where the Panel depart from the view of the Independent Person they should record the reasons why.

21. On their return, the Chair will announce the Panel's decision as to whether the Subject Member has failed to follow the Code.

22. If the Panel decides that the Subject Member has not failed to follow the Code, the Panel will inform the Subject Member accordingly.

23. If the Panel decides that the Subject Member has failed to follow the Code, it will consider any verbal or written representations from the Investigating Officer and the Subject Member as to:

- whether the Panel should apply a sanction
- what form any sanction should take

24. The Panel may question the Investigating Officer and Subject Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.

25. The Panel will then retire with the Monitoring Officer, the Independent Person and a Democratic Services Officer. They will consider whether to impose a sanction on the Member and, if so, what sanction it should be. The Independent Person will not be able to participate in making the decision (i.e. vote) but their views must be considered by the Panel. Where the Panel depart from the Independent Person's views they must record reasons why.

26. The Panel will be limited to the sanctions listed in the procedure for the administration of complaints. The Panel must ensure that any sanction is reasonable and proportionate to the breach.

27. On their return, the Chair will announce the Panel's decision. In accordance with the Council's Assessment Criteria the Panel has the option to make any of the following decisions on the complaint:

- that no further action be taken
- that the matter be referred to the Group Leader for Informal Action
- that the matter is referred for Informal Resolution or other action
- that the matter is referred for Formal Investigation by an Investigator
- that the matter is referred to the Police or other relevant Regulatory Agency

28. Both the subject member and the complainant should be informed in writing of the outcome of the Panel Hearing within 2 working days.