



## Public Document Pack

# Uttlesford District Council

Chief Executive: Peter Holt

## Standards Committee

**Date:** Wednesday, 21st September, 2022

**Time:** 5.00 pm

**Venue:** Committee Room - Council Offices, London Road, Saffron Walden,  
Essex CB11 4ER

**Chairman:** Councillor G LeCount

**Members:** Councillors H Asker (Vice-Chair), S Barker, A Dean, M Foley,  
N Gregory, A Khan, M Lemon and B Light

**Other** Mrs G Butcher-Doulton, Mr D Pearl and Mrs C

**Attendees:** Wellingbrook-Doswell (Independent Persons)

### Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements, subject to having given notice by 12 noon two working days before the meeting. A time limit of 3 minutes is allowed for each speaker.

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The Council Chamber is subject to capacity limits and seats will be available on a first come first serve basis. Please contact Democratic Services if you wish to reserve a seat. Contact details and further information on public speaking arrangements can be found overleaf.

# **AGENDA**

## **PART 1**

### **Open to Public and Press**

- 1 Apologies for Absence and Declarations of Interest**  
To receive any apologies for absence and declarations of interest.
- 2 Minutes of the previous meeting** 5 - 9  
To consider the minutes of the previous meeting.
- 3 Review of the Standards Code of Conduct** 10 - 29  
To review the Standards Code of Conduct.
- 4 Best Practice Points and and the Government response to the Committee on Standards in Public Life's review of Local Government Ethical Standards.** 30 - 45  
  
To note Best Practice Points and and the Government response to the Committee on Standards in Public Life's review of Local Government Ethical Standards.
- 5 Code of Conduct Complaints Summary** 46 - 55  
To review the Code Conduct Complaints Summary.
- 6 Standards of Discourse in Public Life** 56 - 58  
To consider the report on Standards of Discourse in public life.

## **MEETINGS AND THE PUBLIC**

Following the lifting of Covid-19 restrictions, and in accordance with the Council's risk assessment, Council, Cabinet and Committee meetings have returned to in person and are held in the Council Chamber. However, due to capacity considerations in line with the Council's risk assessment, those wishing to listen to or watch meetings will continue to be encouraged to access the live broadcast until further notice.

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The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

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# Agenda Item 2

**STANDARDS COMMITTEE held at COMMITTEE ROOM - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, ESSEX CB11 4ER, on MONDAY, 16 MARCH 2020 at 5.00 pm**

Present: Councillor N Reeve (Chair)  
Councillors S Barker, N Gregory, V Isham, A Khan and E Oliver

Officers in attendance: B Ferguson (Democratic Services Manager) and S Pugh (Assistant Director - Governance and Legal)

Independent Persons: Mrs G Butcher-Doulton, Mr D Pearl and Mrs C Wellingbrook-Doswell

Public Speakers: Mr R Couchman and Ms S Gill

## ST11 **PUBLIC SPEAKING**

Mr Couchman and Ms Gill both spoke on the Standards Hearing that had been held on 21 January 2020. Summaries of their statements have been appended to these minutes.

## ST12 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies were received from Councillors Asker, Foley and Light.

## ST13 **MINUTES OF PREVIOUS MEETINGS**

The minutes of the previous meetings held on 17 June 2019 and 21 January 2020 were approved.

## ST14 **REVIEW OF STANDARDS PANEL HEARING ON 21 JANUARY 2020**

The Chair brought Item 7 forward in proceedings for the benefit of those present. He said the discussion would be focused on the process of the Hearing, not the particulars of the case.

Members discussed the process of the Standards Hearing held on 21 January. The issue of whether the Hearing should have been held in public was raised and there was agreement that it was normal practice to have such hearings held in private due to the confidential information that was involved in such cases. There was a need to strengthen the procedures around these hearings, particularly in regard to the information included on the published agenda pack. In future, the agenda papers would stipulate the rules and make it clear that such hearings were to be held in private.

In terms of what went well, there was agreement that Councillor Barker had been an effective Chair of the Panel in difficult circumstances, ensuring that due process was followed and that all present had an opportunity to speak. The rigorous questioning from Panel Members and the robust but respectful nature of the debate also received praise.

The Assistant Director – Legal and Governance said an issue with the Standards process as a whole was that a hearing would not solve any underlying problems at the heart of a conflict. By their nature, such hearings were difficult and the outcome would rarely please all sides.

The Chair summarised that in his view the hearing had been fair and due process had been followed. Going forward, a lesson to be learnt was to ensure that the information published with the agenda papers was clear and left the public in no doubt as to the rules regarding engagement with such private meetings. He added that investigating officers' reports also required clarity.

ST15

## **COMMITTEE ON STANDARDS IN PUBLIC LIFE: LOCAL GOVERNMENT ETHICAL STANDARDS REPORT**

The Assistant Director – Governance and Legal presented the report on Standards in public life. The report made a number of recommendations and identified best practice to improve ethical standards in local government. He informed Members that this was the third time the report had been brought to Committee and, whilst there were some failings, the guidance on offer was good. For instance, it gave clear examples of what type of behaviour constituted a breach of the code of conduct, such as bullying. As well as highlighting the procedure for sanctioning members and the right of appeal, the report also highlighted the need to embed good conduct into the culture of an organisation. It was acknowledged that this would be a difficult task in respect to the 54 parish and town councils across the district, although an example was raised to the Committee's attention whereby a conflict at parish level had been resolved by communicating with the parties involved before escalating to a formal hearing.

Councillor Barker said that Essex County Council had a Conflict of Interest policy.

The Assistant Director – Governance and Legal asked if he could have sight of this document.

The issue of indemnity for the Independent Persons of the Standards Committee was raised. The Chair said such indemnity would be pursued. He also asked that the Code of Conduct be brought back to a future meeting for the Committee's attention.

In response to a Member question, the Assistant Director Governance and Legal said the inconsistencies of practice and conduct at parish level would be addressed by training sessions, although it was once again acknowledged how difficult this would be across the 54 parishes with only three independent persons to deliver. The prospect of coordinating such training with the Uttlesford

Association of Local Councils was proposed and it was agreed that the body should be invited to address the Standards Committee in the future.

In response to a Member question regarding the parish clerk qualification bursary, it was agreed that encouraging parish clerks to develop their skills and enhance their knowledge was another area which could assist in spreading good practice across the district. Information regarding such bursaries would be sent again to parish clerks to ascertain interest.

The Chair said it would be sensible to wait for the Local Government Association's code of conduct to be published before modifying the council's own code. It was agreed that a report would be made available at the next meeting regarding the definition of bullying.

**ST16 COMMITTEE ON STANDARDS IN PUBLIC LIFE: ARTIFICIAL INTELLIGENCE REPORT**

The Assistant Director – Governance and Legal said the spectre of Artificial Intelligence (AI) had ethical ramifications and it was important to be mindful of the Nolan Principles in light of technological development.

Members discussed the report and there was general agreement that the issue was complex; what even constituted AI? Concerns were raised regarding machine led bias and the reliance on technology that was widely not understood, although it was acknowledged that many of these issues would need to be tackled at Government level.

The Chair said he would talk to Councillor de Vries on the subject of AI, the Topic Lead for IT, along with Councillor Khan and would report back at a future meeting.

**ST17 COMMITTEE ON STANDARDS IN PUBLIC LIFE: INTIMIDATION IN PUBLIC LIFE: LETTER TO POLITICAL PARTIES ON ELECTION PLEDGE**

The Assistant Director – Governance and Legal said this report had been brought for information. He asked Members to promote a culture of kindness at the Council and to constructively “pull-up” fellow Members if they felt their conduct was not of the required standard.

**ST18 MEMBER TRAINING FOR 2020/21**

The Assistant Director – Governance and Legal said he had been looking at the training programme for 2020/21 and asked committee members whether all councillors should be encouraged to attend, or if it should training should be reserved for committee members only.

Mrs Butcher-Doulton said it would be more cost effective if the Independent Persons carried out the training.

The Chair said it was important that expert legal advice was also present, in light of the Assistant Director's – Governance and Legal imminent departure. He also asked that training on both the Code of Conduct and Panel Hearings were delivered in the upcoming year.

The Chair, Committee Members and Independent Persons present thanked the Assistant Director – Governance and Legal for his expertise, professionalism and kind manner when dealing with all matters relating to Standards in the preceding years. They wished him all the best in his retirement.

The Chair closed the meeting at 6.45pm.



## **SUMMARIES OF PUBLIC STATEMENTS:**

Mr Couchman said he wanted the full account of the Hearing held in January to be published as it was the only way to move past the longstanding conflict that had enveloped the parish. He said a Clavering parish newsletter had been circulated which incorrectly stated the number of cases held against him. He also felt the process had been unfair and said he believed witnesses had been in collusion. He asked why such Hearings were not transparent and open to the public in line with other council meetings.

Ms Gill said the aforementioned newsletter had reported nothing more than a link to the Standards Hearing. She said the parish had made efforts to improve best practice and Code of Conduct training had been provided by the Monitoring Officer. Furthermore, this issue had been ongoing for years and expert legal advice had always been sought by the parish council. She said the Hearing had to remain private due to the personal and confidential information involved, and the privacy of other stakeholders, such as the former parish clerk, had a right to be protected.

# Agenda Item 3

**Committee:** Standards Committee

**Date:**

**Title:** Local Government Association New Model  
Code of Conduct

21 September 2022

**Report  
Author:** Jane Reynolds - Assistant Director  
Governance and Legal / Monitoring Officer  
jreynolds@uttlesford.gov.uk

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## Summary

1. The purpose of this report is to present to the Standards Committee the new Model Councillor Code of Conduct (the Model Code) produced by the Local Government Association (LGA), and accompanying LGA Guidance for Committee to make a recommendation to Council regarding its adoption or not.

## Recommendations

2. That Committee recommend to Council that the new Model Code (Appendix 1) and associated [LGA Guidance](#) is adopted.
3. Alternatively, that Committee recommend to Council that the current Code of Conduct is retained.
4. That following Committee's decision the Monitoring Officer be given authority to draft any amendments needed to the current Constitution and or procedure for dealing with Code of Conduct complaints, organise equality impact assessment of the same and commission the design of a short post complaint survey for participants and bring those amendments / copy of survey back to the Committee in report to Full Council.

## Financial Implications

5. There are modest financial implications that will result from this report should the Committee wish to approve the recommendation in paragraph 2 above, in that some administrative support (to be drawn upon from within the Council's current staff resources) may be required for consultation with the Parish and Town Councils in the Uttlesford District that operate the Council's current Code of Conduct as they will need to be consulted and encouraged to approve the same Model Code. Failure to do so could also lead to some minor difficulties for the Council in managing the Code of Conduct Complaints if differing versions of the Code of Conduct are operating across the district.

## Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report:

[\(Public Pack\) Agenda Document for Standards Committee, 16/03/2020 17:00 \(moderngov.co.uk\)](#) referencing the report of 30<sup>th</sup> January 2019

LGA Model Councillor Code of Conduct amended in May 2021 (Appendix 1)

Guidance published in July 2021 <https://www.local.gov.uk/publications/guidance-member-model-code-conduct-complaints-handling>

March 2022 Government response to the Committee on Standards in Public Life report <https://www.gov.uk/government/publications/local-government-ethical-standards-government-response-to-the-committee-on-standards-in-public-life-report>

## Impact

7.

Communication/Consultation	Consultation may be needed with Town and Parish Councils.
Community Safety	None
Equalities	The code and procedure will be equality impact assessed when a decision to taken to either adopt the new Model Code or retain the current version.
Health and Safety	None
Human Rights/Legal Implications	The Local Authority has a duty to maintain an up to date Code of Conduct and procedure for managing code of conduct complaints for the Council and Parish / Town Councils in its District.
Sustainability	N/A
Ward-specific impacts	None
Workforce/Workplace	They will be some resource implications dependent upon which recommendation at paragraphs 2 and 3 above is approved. If members are minded to approve the recommendation at paragraph 2 above, it may be necessary to engage administrative support from within the Council's current resources for a time limited period.

## Situation

8. In January 2019, the Committee on Standards in Public Life published a report “Ethical Standards Report” which recommended amongst other matters that the LGA in consultation with representative bodies of councillor’s and officers at all tiers of Local Government, should produce a Model Code of Conduct for Councillors (the Model Code). This report was presented to the Council’s Standards Committee on the 16<sup>th</sup> March 2020 for noting.
9. Since that time, the Model Code has been through several revisions and guidance has been produced to accompany it. In May 2021, the final version of the model code was published by the LGA (Appendix 1). On the 8<sup>th</sup> of July 2021, the final [guidance](#) was published.
10. On the 22<sup>nd</sup> of March 2022, the Government provided a response to the Review of Local Government Ethical Standards report and that response is the subject of an interrelated but separate second report to Council’s Standards Committee of today’s date.
11. Following publication of the Model Code and guidance the Local Essex (and wider Counties) Monitoring Officer forum started to consult with the LGA on various matters in the final versions and feedback various issues to the LGA for consideration and amendment. Those matters were incorporated into the May and July 2021 LGA new Model Code and guidance. In addition, this group consulted widely with each other on progress at their own authorities as to who was adopting the Model Code and who was not. The reason for this liaison was that it was hoped by the LGA that the new Model Code would be adopted across the country making dealing with complaints clear and more uniform nationally. The liaison is still underway, and we are aware that Essex County Council and a number of other districts in Essex have adopted the new Model Code and guidance or are in the process of recommending its adoption to their members and are encouraging their Town and Parish Councils to do likewise.
12. The new Model Code contains and repeats much of the detail of the Council’s current Code of Conduct, but it is significantly improved in that it does set matters out much more clearly and it is written in the first person making it easier to understand. The guidance that was issued with the new Model Code is extremely helpful and assists all with “tighter definitions” of what is and is not a breach of the Code.
13. Adoption of the new Model Code and guidance would not cause the need to alter or amend the Council’s current procedure for dealing with complaints which has been very well thought out, is detailed in its application, and has in general been commented on for its high degree of fairness and thoroughness. Over the last eighteen months three main pieces of feedback / questions have been raised on the procedure by those using it and replies given as follows:
  - 13.1 Have we equality impact assessed the code procedure: the procedure when it was adopted was considered against human

rights and legal implications, but we have planned to follow this Committee’s decision by undertaking a full equality impact assessment.

- 13.2. It is not clear that the Nolan Principles themselves are not matters by which we consider a breach. This could be made clearer in Uttlesford’s current Constitution and is indeed more clearly referred to in the new Model Code guidance.
- 13.3 Why does the Council not deal with complaints against a whole Parish / Town Council. The reason for this is that the Code of Conduct is designed to deal with complaints about breaches by individual Councillors not the Parish / Town Council as a “body corporate” any complaints of this nature should be made to the Parish or Town Council direct.

14. In terms of feedback from participants, it is recommended that a more detailed survey is developed that could be completed by those involved in the process at the end of the process. That information can be used to make ongoing improvements to the Council’s procedure.

### Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
1 Little risk / impact in either of the recommendations in paragraph 2 and 3 above.	1	1	1

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



## **Local Government Association**

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

#### **Joint statement**

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

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

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

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

## **Introduction**

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

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

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

## **Definitions**

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

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

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

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

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

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

## **General principles of councillor conduct**

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

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

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

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

In undertaking my role:

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

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

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

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

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

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

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

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

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



Officer.

## **Standards of councillor conduct**

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

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

### **General Conduct**

#### **1. Respect**

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

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

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

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

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

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

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

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

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

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

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

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

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

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

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

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

**As a councillor:**

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

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

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

**As a councillor:**

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

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

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

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

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

## **5. Disrepute**

**As a councillor:**

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

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

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

## **6. Use of position**

**As a councillor:**

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

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

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

**As a councillor:**

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

### **7.2 I will, when using the resources of the local 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.

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

### **As a Councillor:**

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

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

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

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

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

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

## **9. Interests**

### **As a councillor:**

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

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

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

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

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

## **10. Gifts and hospitality**

### **As a councillor:**

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

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

## **Appendices**

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

The principles are:

#### **Selflessness**

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

#### **Integrity**

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

#### **Objectivity**

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

#### **Accountability**

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

#### **Openness**

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

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

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

## Appendix B Registering interests

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

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

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

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

### Non participation in case of disclosable pecuniary interest

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

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to 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 Registerable 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 following test 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](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

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

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

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

**Table 2: Other Registrable Interests**

<p>You must register as an Other Registrable Interest :</p> <ul style="list-style-type: none"> <li>a) any unpaid directorships</li> <li>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</li> <li>c) any body <ul style="list-style-type: none"> <li>(i) exercising functions of a public nature</li> <li>(ii) directed to charitable purposes or</li> <li>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</li> </ul> </li> </ul> <p>of which you are a member or in a position of general control or management</p>
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## Appendix C – the Committee on Standards in Public Life

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

The recommendations cover:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# Agenda Item 4

**Committee:** Standards Committee

**Date:**

**Title:** Best Practice Points and the Government response to the Committee on Standards in Public Life's review of Local Government Ethical Standards.

21 September 2022

**Report Author:** Jane Reynolds Assistant Director Governance and Legal / Monitoring Officer  
jreynolds@uttlesford.gov.uk

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## Summary

1. On the 30<sup>th</sup> January 2019 the Committee on Standards in Public Life published a report on Local Government Ethical Standards. That report was taken to the Council's Standards Committee for noting on the 16<sup>th</sup> March 2020.
2. The report recommended amongst other matters that the Local Government Association (LGA) consult and produce a new Code of Conduct for Councillors in Local Government (the Model Code). The Model Code is the subject of a separate report to this Committee today.
3. In addition to the above recommendation the report provided fifteen "Best Practice Points" for Local Authorities and made a total of twenty-six recommendations to Government.
4. On the 22<sup>nd</sup> March 2022 the Government provided a response to the twenty-six recommendations. (Appendix 1)
5. The purpose of this report today is to provide Committee with an update on both the Best Practice Points and the Governments response to the twenty-six recommendations.

## Recommendations

6. That Committee note the Best Practice Points and agree that the Monitoring Officer progress implementation of those not already implemented as laid out in the report below and report back to Committee at its next meeting
7. That the Committee receive the Government's response of March 22<sup>nd</sup> 2022.

## Financial Implications

8. None.

## Background Papers

[\(Public Pack\)Agenda Document for Standards Committee, 16/03/2020 17:00 \(moderngov.co.uk\)](#)

2019 Report:

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/atta>

2022 Report: <https://www.gov.uk/government/publications/local-government-ethical-standards-government-response-to-the-committee-on-standards-in-public-life-report>

## Impact

9.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	N/A
Ward-specific impacts	None
Workforce/Workplace	None

## Situation

10. The report on “Local Government Ethical Standards of the 30<sup>th</sup> of January 2019 was presented to this Committee on the 16<sup>th</sup> of March 2020. It contained fifteen Best Practice Points for Local Authorities and twenty-six recommendations for Government.

11. The fifteen Best Practice Points are laid out below and the Council already complies with recommendations 2,4, 5, 7, 8, 10,12, and 13. It is advised that the remaining recommendations highlighted below are implemented.

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

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

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



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

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

12. The twenty-six recommendations have been addressed by Government in its response provided on the 20<sup>th</sup> of March 2022 (appendix 1) and are provided to Committee for noting.

### Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions
2 there is some risk of not implementing the Best Practice Points	2 some risk that complaints and legal action could arise if procedures are not in line with best practice.	2 some risk	1 if all best practice points are implemented then procedures and the management of code of conduct complaints will be become clearer and there will be little or no risk complaints about the process or legal action resulting.

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.



Department for Levelling Up,  
Housing & Communities

**Kemi Badenoch MP**

*Minister of State for Equalities and Levelling Up  
Communities*

***Department for Levelling up, Housing and  
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Dear Lord Evans,

On behalf of the Government, I would like to thank the Committee on Standards in Public Life for its report and the recommendations arising from its review of Local Government Ethical Standards, and to all those who engaged with the Committee's work. Attached is the Government response to the Committee's individual recommendations that were directed at Government.

Vibrant local democracies flourish where the reputation of the local authority is held in high regard, where councillors' decision-making is transparent, valued and trusted by the communities they serve, and where people are willing and confident to put themselves forward as potential candidates. The standards and conduct framework within which local authorities operate must drive out corruption and promote commitment to the principles on standards in public life, and tolerance to the differing views of others. In responding to the review, the Government has taken into account the importance of protecting free speech and freedom of association within the law.

The Government is committed to working with local authorities and their representative organisations to ensure that local government is supported in reinforcing its reputation for ethical local standards.

The fact that this review had been conducted in such a collaborative way with the sector has been apparent from the outset and is borne out in the final report. I am keen that Government builds on the sector-wide enthusiasm for improvement.

The Government agrees with the Committee's conclusion that there have been benefits from local authorities being responsible for ethical standards, including the flexibility and

discretion to resolve standards issues informally. However, we also recognise the role of Government in ensuring that the system is robust.

The number of requests for legislation in the Committee's recommendations to strengthen the standards and conduct framework and its safeguards is considerable. As indicated in this response, the Government believes that some of these suggestions do not need a legislative response but can be more appropriately, effectively, and swiftly taken forward by local authorities as best practice. The Committee will recognise that the Government and Parliament has taken a different view on these matters when it legislated for the Localism Act 2011.

I thank the Committee for their work on the review and for their patience whilst Government carefully considered their recommendations, and I personally look forward to continuing to work with you as Government progresses the commitments made in this response with the sector.

Yours sincerely,

A handwritten signature in black ink that reads "Kemi Badenoch". The signature is written in a cursive, flowing style.

**KEMI BADENOCH MP**

**Minister of State for Equalities  
and Levelling Up Communities**

# Government response to the Committee on Standards in Public Life review of local government ethical standards

This Government response confines itself to the Committee's recommendations directed at Government, other than with regards to the first recommendation. The response to recommendations 10, 12, 13, 14 and 16 have been grouped together and therefore appear out of numerical order below.

## **Recommendation 1**

**The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.**

The Localism Act 2011 states that relevant authorities must promote and maintain high standards of conduct by members and co-opted members. It requires these authorities to adopt a code of conduct for their councillors.<sup>1</sup> Authorities can determine the content of their own code of conduct. However, codes must conform to the seven 'Nolan' principles of standards in public life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. Relevant authorities for the purposes of these requirements include local authorities in England, namely county councils, district councils, London borough councils and parish and town councils.

It is for individual councils to set their own local code, in line with the Act. The Government has previously published a light-touch illustrative code of conduct.

The Local Government Association has worked with sector representative bodies to update its own suggested code of conduct, with the intention that this new suggested code could establish a consistent benchmark that local authorities can amend or add to as they see fit to reflect local circumstances and priorities. The Local Government Association published the updated code of conduct in January 2021. However, it remains a local decision on whether this model code is adopted.

## **Recommendation 2**

**The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.**

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<sup>1</sup> References to councillors in this document also should be deemed to include elected mayors.

This issue was brought up in the Committee's work on intimidation in public life, and the Government has already taken forward several steps in this regard. The Government is open and receptive to further steps to help prevent intimidation.

The Government agrees with the principle behind this recommendation – which safeguards elected representatives - and considers amending the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 would be an option to achieve it.

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.

Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest.

### **Recommendation 3**

**Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.**

The Government's view is that it is for individual local authorities to consider if their code of conduct is adequate in addressing the issue of inappropriate use of social media.

As the Government outlined to Parliament in March 2021 on tackling intimidation in public life: 'It is important to distinguish between strongly felt political debate on the one hand, and unacceptable acts of abuse, intimidation and violence on the other. British democracy has always been robust and oppositional. Free speech within the law can sometimes involve the expression of political views that some may find offensive': a point that the Government has recognised in a Department for Education policy paper<sup>2</sup>. But a line is crossed when disagreement mutates into intimidation, which refuses to tolerate other opinions and seeks to deprive others from exercising their free speech and freedom of association.'

It is important to recognise that there is a boundary between an elected representative's public life and their private or personal life. Automatically presuming (irrespective of the context and circumstances) that any comment is in an official capacity risks conflating the two.

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<sup>2</sup> Higher education: free speech and academic freedom Feb 2021  
<https://www.gov.uk/government/publications/higher-education-free-speech-and-academic-freedom>

#### **Recommendation 4**

**Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.**

The Government agrees that local authority elected representatives should act in good faith in the public interest and not seek to influence decisions for personal gain, for malicious intent or to further the interests of any business or any other organisations which they may be affiliated with.

The Local Government Association have updated their [own suggested code of conduct](#) to state that the code applies when “[a member’s] actions could give the impression to a reasonable member of the public with knowledge of all the facts that [they] are acting as a [member]”.

It is for individual local authorities to ensure that their codes of conducts are regularly updated, comprehensive and fit for purpose. Elected members receive the necessary training to make them aware of their personal responsibilities in upholding the code.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

#### **Recommendation 5**

**The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.**

The electorate must have confidence that the decisions of their elected representatives are being made in the best interests of the community they have been elected to serve. Unpaid roles may need to be declared if it is relevant to council business, and councillors should recuse themselves if necessary if discussions relate to private bodies, they are involved in.

The Government is mindful that councillors have a right to a private life, and rights of freedom of association outside their role as a councillor. It is frequently the case that people in public life have a complex pattern of interests and play a variety of roles with different types of organisations, including community interest groups and charities.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

## **Recommendation 6**

**Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.**

The Local Government Association's suggested code of conduct published in January 2021 includes a requirement for members to "register... any gift or hospitality with an estimated value of at least £50". However, it did not contain any requirements relating to the total value of gifts or hospitality received from the same source over a sustained period.

Local authorities have the autonomy to set gifts and hospitality requirements in their own codes of conduct. The Government accepts that there is merit in best practice guidance on the thresholds for gifts and hospitality and agrees that a register of gifts and hospitality should be publicly available.

## **Recommendation 7**

**Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to the matter".**

Section 31 of the Localism Act 2011 requires that a councillor must not participate in a discussion or vote on a matter where they have a disclosable pecuniary interest in any matter to be considered at the meeting. Section 30(3) of the Localism Act 2011 further provides that any relevant pecuniary interests of a councillor's spouse or partner are considered as a disclosable pecuniary interest of the councillor.

The Committee's report reflects concerns that the disclosable pecuniary interest arrangements infringe on the privacy of a councillor's spouse or partner. Where there would be a potential conflict of interest, the principle of integrity requires that any such interests should nevertheless be declared and resolved.

The Government will keep this matter under review but has no immediate plans to repeal Section 31 of the Localism Act 2011.

## **Recommendation 8**

**The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.**

The Government does not accept this recommendation as appropriate for legislation on the basis that it would be likely to be unworkable. The Government's view is that it would be more appropriately implemented as a best practice recommendation for local authorities.

In principle, it may be attractive to limit the terms Independent Persons serve to keep their role and contribution "fresh" and avoid them becoming too closely affiliated with the overriding organisational culture. However, discussions with Monitoring Officers indicate that in practice most local authorities would likely find servicing this rate of turnover unachievable. There is frequently a small pool of people capable and willing to undertake the role, who also fit the stringent specifications of being amongst the electorate, having no political affiliation, no current or previous association with the council, and no friends or family members associated with the council.

When local authorities have found effective Independent Persons who demonstrate the capability, judgement and integrity required for this quite demanding yet unpaid role, it is understandable that they may be reluctant to place limitations on the appointment.

## **Recommendation 9**

**The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.**

The Government does not agree with this. The Local Government Transparency Code is a statutory requirement to publish information; it does not regulate the content of councils' minutes or decision notices.

The substantive policy suggestion has merit but will depend on circumstances. In cases where there is no case to answer from an unfounded complaint, it should not necessarily be a legal requirement to publish details of that unfounded complaint.

## **Recommendation 10**

**A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding or a breach and that suspending the councillor would be a proportionate sanction.**



## **Recommendation 12**

**Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.**

## **Recommendation 13**

**Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.**

## **Recommendation 14**

**The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, an appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.**

## **Recommendation 16**

**Local authorities should be given the power to suspend councillors, without allowances, for up to six months.**

There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct, and this was a deliberate policy decision by the Coalition Government at the time of the Localism Act 2011 to differentiate from the previous, failed Standards Board regime. The Standards Board regime allowed politically motivated and vexatious complaints and had a chilling effect on free speech within local government. These proposals would effectively reinstate that flawed regime.

It would be undesirable to have a government quango to police the free speech of councillors; it would be equally undesirable to have a council body (appointed by councillors, and/or made up of councillors) sitting in judgment on the political comments of fellow councillors.

On the rare occasions where notable breaches of the code of conduct have occurred, local authorities are not without sanctions under the current regime. Councillors can be barred from Cabinet, Committees, or representative roles, and may be publicly criticised. If the elected member is a member of a political group, they would also expect to be subject to party discipline, including being removed from that group or their party. Political parties are unlikely to reselect councillors who have brought their group or party into disrepute. All councillors are ultimately held to account via the ballot box.

As part of the Government's response to the Committee's report on intimidation in public life, the Government recommended that every political party establish their own code of conduct for party members, including elected representatives.

The Government will engage with sector representative bodies of councillors and officers of all tiers of local government to seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour.

### **Recommendation 11**

**Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.**

The Government agrees in principle.

Initial soundings with the sector indicate that some local authorities already provide legal indemnity for Independent Persons.

The Government endorses providing legal indemnity for Independent Person as local authority best practice but does not currently see the need to require this through secondary legislation.

### **Recommendation 15**

**The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g., bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.**

The Government believes that this is better addressed through the sector adopting as best practice a regular pattern of annual reporting by Standard Committees of the cases and complaints handled and would encourage this as best practice by the sector.

The Government does not believe that there is a requirement to prescribe to local authorities the form and content of such Standard Committee annual reports.

### **Recommendation 17**

**The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.**

The criminal law, overseen by the police and courts, provides for more appropriate and effective action against breaches of public order, for anti-social behaviour, and against harassment.

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

### **Recommendation 18**

#### **The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.**

It is a criminal offence to fail to declare pecuniary interests, which acts as a strong deterrent against corruption.

The Government does not agree with this recommendation, but rather believes the criminal offence of a non-disclosure of pecuniary interest to be a necessary and proportionate safeguard and deterrent against corruption.

The high bar of police involvement has served to discourage politically motivated and unfounded complaints.

### **Recommendation 20**

#### **Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.**

The Government does not agree that this is necessary and has no plans to repeal Section 27(3) of the Localism Act 2011.

The Government considers that the adoption of the principal authority's code or the new model code is a matter for local determination.

There are merits in achieving consistency within principal authority areas to eliminate potential confusion amongst constituents and elected members but there may be instances where a parish council may want to add to the code of their principal authority to reflect local circumstances.

## **Recommendation 21**

**Section 28 (11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.**

The Government has no current plans to repeal Section 28 (11) of the Localism Act 2011 but will give this matter further consideration.

## **Recommendation 22**

**The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.**

The three statutory officers in local government are the Monitoring Officer, the Head of Paid Service (Chief Executive) and the Chief Finance Officer (often referred to as the Section 151 Officer).

Under the current disciplinary arrangements for statutory officers, any decision to dismiss a statutory officer must be taken by full council, following a hearing by a panel that must include at least two Independent Persons. The Committee consider that the disciplinary protections for statutory officers should be enhanced, by extending disciplinary protections to all disciplinary actions (such as suspension or formal warnings), not just dismissal.

The Government agrees in principle with this recommendation and recognises this will be pertinent to Monitoring Officers who may not necessarily be afforded the same seniority in the organisational hierarchy of a local authority as the two other statutory officers (Head of Paid Service and the Section 151 Officer), and who may be subject to personal pressures when conducting high profile breach of conduct investigations.

The Government will engage with sector representative bodies of all tiers of local government to seek views on amending the Local Authorities (Standing Orders) (England)(Amendment) Regulations to provide disciplinary protections for statutory officers.

## **Recommendation 23**

**The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.**

The Government agrees with the principle that openness is essential.

Most local authorities already publish their whistleblowing policy, procedures and a named contact on their websites, and Government is recommending that this is adopted as a best practice recommendation.

The Government published the UK National Action Plan for Open Government 2021 – 2023 in January 2022. This includes a commitment on local transparency.<sup>3</sup> The Department for Levelling Up Housing and Communities (DLUHC) will work with the local government community to develop a set of specific actions to advance transparency in the sector. DLUHC will support local government to solidify their transparency policies and processes and encourage proactive publication of open data across councils.

## **Recommendation 24**

### **Councillors should be listed as ‘prescribed persons’ for the purposes of the Public Interest Disclosure Act 1998.**

Prescribed persons are individuals or organisations that a worker may approach outside their workplace to report suspected or known wrongdoing and still be protected by the rights afforded to them under whistleblowing legislation. They are prescribed by an order made by the Secretary of State (for Business, Energy and Industrial Strategy) for this purpose. A complete list of prescribed persons is available here: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

Local councillors would not meet the criteria of being external to an individual’s workplace in relation to matters affecting the council and could therefore not be considered as a ‘prescribed person’ for the purposes of the Public Interest Disclosure Act 1998. Disclosures relating to local authorities can be made to the external auditor of the relevant authority, the Comptroller and Auditor General (National Audit Office), or a Member of Parliament.

However, the Government recognises that this may provide a further check and balance against council corruption or wrongdoing and is open to further representations on the matter on how local accountability can be strengthened in this regard.

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<sup>3</sup> <https://www.gov.uk/government/publications/uk-national-action-plan-for-open-government-2021-2023/uk-national-action-plan-for-open-government-2021-2023#local-transparency>

# Agenda Item 5

**Committee:** Standards Committee

**Date:**

**Title:** Code of Conduct Complaints summary

21 September 2022

**Report Author:** Jane Reynolds Assistant Director.

Governance and Legal and Monitoring Officer

jreynolds@uttlesford.gov.uk

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## Summary

1. This report provides a summary of Code of Conduct Complaints submitted and dealt with from July 2020 to date (appendix 1).

## Recommendations

2. That Committee accept the report and consider whether to refer the report with any further recommendations to Full Council for consideration.

## Financial Implications

3. Committee are asked to note the costs at paragraph 8.7 and 8.8 below.

## Background Papers

4. None.

## Impact

- 5.

Communication/Consultation	N/A
Community Safety	N/A
Equalities	Several code of conduct complaints raised equalities issues in relation to access and assistance under the procedure. These were dealt with as part of the process of each individual complaint. The code of conduct procedure was assessed in terms of human rights and legal issues when it was first adopted, and it has been kept under review but when a decision is taken on whether to adopt the new code of conduct (the subject of a separate report to this Committee of the same date) or not, the procedure will be put through a full equality impact assessment.

Health and Safety	One complaint raised health and safety issues again dealt with as part of the individual complaint.
Human Rights/Legal Implications	Names have been redacted from the report to protect the privacy of those both making and subjected to complaints.
Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	The impact on staff resources has been very high due to the large number of complaints and in particular during 2021.

## Situation

6. This Report provides a summary of the code of conduct complaints that were received and dealt with over a two year period from July 2020 to date (appendix 1). Information is not provided preceding that date due to difficulties in locating information from the legal database system and the time and resource that would be involved in order to do so. The complaints sheet is now regularly updated and will be reported on to this Committee twice a year and to Full Council annually.
7. The summary provides information on the number of complaints submitted, type of breach of the Code reported, whether the complainant/ subject of the complaint were members of the Public, Parish / Town Councillors, or Uttlesford District Councillors and the action taken on the complaint.
8. Members are asked to note the following:
  - 8.1 Over two year period thirty-seven complaints were dealt with (twenty-three of which were submitted during 2021).
  - 8.2 Of those thirty-seven, fourteen were from members of the public against Parish Councillors, seven were Parish Councillors against each other and all were comprised across just three Parish Councils in the District. Eight were from members of the public against Uttlesford Councillors and eight were complaints submitted by Uttlesford Councillors against each other. Of the eight submitted by Uttlesford Councillors against each other five of those were interrelated with one involving a Parish Councillor.
  - 8.3 Twenty two complaints were dismissed, one was an old matter out of time and three were withdrawn. In five cases, recommendations were made regarding register of interests, training and making an apology. Six complaints (some of which were interrelated) were sent out to

external investigation. One set of these concluded in a series of recommendations and the second is still under investigation.

- 8.4 Of note one complex case was successfully referred to and dealt with via external mediation and in another a facilitated discussion was conducted.
- 8.5 Members will note the substance of the complaints crossed a range of breaches with bullying and or disrespect referred to in most.
- 8.6 There were a number of complaints citing breaches of the Nolan Principle's which were dismissed as under Uttlesford Council's procedure and indeed all Codes of Conduct, breaches are assessed against specific obligations only. The Nolan Principles are the principles that guide behaviour of all in public office and inform the core "spirit" in which the code is applied. Some of these complaints were resubmitted citing the correct obligations, but in any event were dismissed.
- 8.7 The main overriding reasons for dismissal were lack of evidence of a breach submitted with the complaint and complaints were politically motivated, "tit for tat" or could be considered vexatious. In addition, a number of complaints did not meet the public interest test for progression (although some still involved behaviour that could be seen as of a less than desirable standard).
- 8.8 The two main groups of complaints that went out to external investigation in accordance with the Council's procedure were in connection with two Parish Councils in the District, involved multiple persons and complex allegations. The cost of these complex investigations rose above £40K in total.
- 8.9 Costs are not provided for internal work on the complaints but will be going forward now the legal service has a new and updated case management system which effectively time records. Whilst time and cost are always just one consideration along with the importance of having a proper method of recourse too assess and deal with code of conduct complaints Committee are asked to note for the purposes of this report a broad estimate of time spent internally by the Monitoring Officer and Deputy Monitoring Officer can be estimated as follows: Monitoring Officer thirty plus percent of her full time working week on this aspect of her Monitoring Officer duties and her Assistant Director role alone, Deputy Monitoring Officer twenty to twenty five percent of her over all full time working week the rest of which is apportioned to her role as senior lawyer.



**9. Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
<p>Not providing the report at regular intervals creates a risk at level 2 whereby if members are not informed any action members may wish to take cannot be fully explored.</p>	<p>2</p>	<p>2</p>	<p>1. To provide an update to Standards twice yearly and to full Council annually.</p>

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.

**UTTLESFORD DISTRICT COUNCIL CODE OF CONDUCT COMPLAINTS:  
JULY 2020 – July 2022**

<b>REF</b>	<b>DATE</b>	<b>COMPLAINANT</b>	<b>SUBJECT OF COMPLAINT</b>	<b>PARTICULARS</b>	<b>OUTCOME</b>	<b>CLOSED</b>
1/20	28.7.20	Public	PC	Declarations Confidentiality	Dismissed	18.8.20
2/20	4.8.20	Public	PC	Declarations Confidentiality	Dismissed	18.8.20
3/20	1.10.20	Public	PC	Disrepute ICO matter	Dismissed	13.10.20
4/20	5.10.20	Public	PC	Conflict of interest Misuse of social media	Dismissed	13.10.20
5/20	5.10.20	Public	PC	Conflict of interest Misuse of social media	Dismissed	13.10.20
6/20	23.10.20	Public	UDC	Bullying	Withdrawn	30.10.20
7/20	19.11.20	UDC	UDC	Obtain an advantage for another	Dismissed	1.12.20
8/20	2.12.20	Public	PC	Bullying	Withdrawn	18.12.20
9/20	2.12.2020	UDC	UDC	Bullying	Withdrawn	8.12.2020
1/21	19.1.2021	UDC	UDC	Breach confidentiality	Apology accepted / further training recommened	28.1.2021
3/21	1.2.2021	UDC	UDC	Bullying	Dismissed	26.2.21
4/21	14.2.2021	PC/ Public	UDC	Breach of Nolan Principles	Dismissed. Complaint not in compliance with	10.3.2021.

**UTTLESFORD DISTRICT COUNCIL CODE OF CONDUCT COMPLAINTS:  
JULY 2020 – July 2022**

				Related to 5, 6 8 and 9/21	Code did not cite any breaches of code obligations. Databreach dealt with under GDPR.	
5/21	22.2.2021	UDC	UDC	Breach of Nolan Principals (related to the above).  Related to 4,6,8 and 9/21	Dismissed. Complaint not in compliance with Code did not cite any breaches of code obligations.	10.3.2021.
6/21	24.2.2021	Public	UDC	Breach Nolan Principles and respect, bullying, intimidation Intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings. Related to 4, 5 8 and 9 /21	Dismissed. Complaint provided no specific evidence. Complainant referred to internal complaint's procedure.	10.3.2021.
7/21	25.2.2021	PC	PC	Old case.	No further action needed but referred to IP for reference as she dealt with matter with previous MO.	27.2.2021
8/21	2.3.2021	Public	UDC	Respect, Bullying, Intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings. Related to 4,5,6 and 9/21	Dismissed. Complaint did not provide sufficient evidence to meet a breach of the Code of conduct.	10.3.2021

## UTTLESFORD DISTRICT COUNCIL CODE OF CONDUCT COMPLAINTS:

**JULY 2020 – July 2022**

9/21	3.3.2021 put on hold due to external agency investigation reopened 1.4.2021	Public and UDC.	PC	Respect. Breached the Equality Act 2010. Conducted self in a manner which could be regarded as bringing the District Council, Parish Council, and elected office as a councillor into disrepute. Related to 4, 5 ,6 and 8/21.		Resolved Mediation 18.6.2021
10/21	18.2.21	Public	PC	Respect	Dismissed	8.3.21
11/21	3.3.21	UDC	UDC	Respect and Equality Act	Investgisation	Report inadequate no breaches sufficient to warrant further action. Did not meet public interest test. Case reassessed by the MO and dismissed June 2022.
12/21	15.3.21	PC	PC	Respect, Bullying, Harassment	Investgation and recommendations.	25.2.2022

**UTTLESFORD DISTRICT COUNCIL CODE OF CONDUCT COMPLAINTS:  
JULY 2020 – July 2022**

13/21	17.3.21	PC	PC	Linked to 12/21 above	Investigation and reccommednations.	25.2.2022
13.1/21	26.3.21	PC	PC	Linked to 12/21 above	Investigation and recommendations.	25.2.2022
14/21	18.3.21	Public	PC	Failure to declare	IR/Apology	22.4.21
15/21	18.3.21	Public	PC	Failure to declare Linked to 14/21 above	IR/Apology	22.4.21
16/21	22.3.21	Public	PC	Failure to declare	Dismissed	24.3.21
17/21	25.3.21	Public	PC	Range of alleged breaches against the PC as a whole	Dismissed complaint against the PC as a body and insufficient evidence.	May 2021
18/21	1.4.21	PC	PC	Linked to 12/21 above	Investigation and reccommednations.	25.2.2022
19/21	21.4.21	Public	UDC	Respect	Dismissed	26.4.21
20/21	21.4.21	Public	UDC	Respect	Dismissed	26.4.21
21/21	9.7.2021	Public	PC	Failure to observe any protocols or codes of practice adopted by your authority. Respect. Conduct yourself in a manner which could be regarded as bringing the Council or your office into disrepute and You must not:	Under investigation	

## UTTLESFORD DISTRICT COUNCIL CODE OF CONDUCT COMPLAINTS:

**JULY 2020 – July 2022**

				a. Do anything which may cause the Council to breach the Equality Act 2010 or otherwise act unlawfully;		
22/21	15.11.21	UDC	UDC	1.2. Nolan Principle of Integrity and You must observe any protocols or codes of practice adopted by your authority.  Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.	Dismissed - No code of conduct complaint – complaint referred under member officer protocol and dismissed as officer did not wish to make a complaint and all member training recommended.	7.12.2021
23/21	30/11/21	Public	UDC	Failure to respond to correspondence.	Dismissed outwith Code but general training need.	December 2021
1/22	10.1.2022	PC	PC	Social media	Dismissed with advice.	12.1.2022
2/22	11.1.2022	PC	PC	Bullying	Dismissed	15.1.2022
3/22	31.1.2022	UDC	UDC	CoC principle of honesty, unreasonable use resources, improper use of resources and bring the Council into Disrepute. Respect.	Dismissed - following facilitated IP discussions.	31.5.2022
4/22	26.5.2022	Public	PC	Bullying, Respect, failure to register an interest. Conduct yourself in a manner which could be reasonably regarded as bringing the Council or your office into disrepute.	Under consideration	

**UTTLESFORD DISTRICT COUNCIL CODE OF CONDUCT COMPLAINTS:  
JULY 2020 – July 2022**

				Use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; Act in accordance with your authority's reasonable requirements;		
5/22	24.6.2022	Public	PC	Breach of standing orders. Disrespect, Intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct;& Prevent another person from gaining access to information to which that person is entitled by law.	Under consideration	

# Agenda Item 6

**Committee:** Standards Committee

**Date:**

**Title:** Standards of Discourse in Public Life

21 September 2022

**Report Author:** Jane Reynolds - Assistant Director Legal and Governance [JReynolds@uttlesford.gov.uk](mailto:JReynolds@uttlesford.gov.uk)

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## Summary

1. Following the meeting of Full Council on the 7<sup>th</sup> December 2021 and the Member Motion: Action on violence and harassment against elected representatives and public servants, and the coarsening of public discourse. Council resolved as follows:

To instruct the Chief Executive to work with elected members, staff and external partners, particularly Essex Police, to carry out an annual assessment of safety and security of both elected representatives, council staff and the public we serve in the course of our work, and to present that report, with actions taken and recommendations as appropriate, each year to full Council for debate.

To task our Standards Committee, in addition (and separate to) their work considering individual complaints, to consider the standards of discourse in public debate locally focused on the Council, both by members of the public and amongst councillors ourselves, and to report annually with conclusions and recommendations as appropriate for part of the same annual debate.

2. The purpose of this report to the Standards Committee today is to consider the second part of the resolution above and to make recommendations to be reported on to Full Council. The first part of the Motion will be the subject of a separate report to Full Council.

## Recommendations

3. That members of the Committee debate and provide input into the design of a number of training sessions on the standards of discourse in public debate so that sessions can be developed and provided in house by the Monitoring Officer and Independent Persons. That members consider such training be provided in an interactive manner, involving the review of debates in a selection of public meetings and via discussion in feedback sessions. That action points are drawn from feedback sessions for reporting to Full Council.
4. That Committee draw upon their own experience of debate, problems they have encountered, improvements they may wish to make and to make any additional recommendations they wish for Full Council to consider.



**Financial Implications**

5. If training is provided internally the financial implications will be low.

**Background Papers**

6. No background papers were referred to. The Monitoring Officer held some informal discussion with the Councils Independent Persons.

**Impact**

7.

Communication/Consultation	N/A
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	N/A
Ward-specific impacts	None
Workforce/Workplace	None

**Situation**

8. The situation is described in the summary section above at paragraphs 1 and 2.

**Risk Analysis**

9.

Risk	Likelihood	Impact	Mitigating actions
1	1	1	1 Further training and addressing the issues within the Councils membership will assist in raising the standards of public debate.

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.