

Standards Committee

Agenda

Members of the Standards Committee:

Cllr N Brennan (Chairman)
Cllr K Leggett MBE (Vice Chairman)
Cllr B Cook
Cllr D Roper
Cllr C Ryman-Tubb

Co-opted Town and Parish Council Members:

Ms M Evans
Mrs R Goodall
Mr K Wilkins

Date & Time:

Tuesday 27 September 2022
10.00am

Place:

Council Chamber, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich

Contact:

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PUBLIC ATTENDANCE:

If a member of the public would like to attend to speak on an agenda item, please email your request to committee.bdc@southnorfolkandbroadland.gov.uk, no later than 5.00pm on Thursday 22 September 2022.

Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

AGENDA

- 1. To report apologies for absence;**
- 2. To receive Declarations of interest from Members;**
(Please see guidance form and flow chart attached – page 3)
- 3. Minutes of the last Standards Committee Hearing held on 26 July 2021;**
(attached – page 5)
- 4. The Committee on Standards in Public Life and the Model Code of Conduct;**
(attached – page 13)
- 5. Civility in Public Life;**
(attached – page 42)

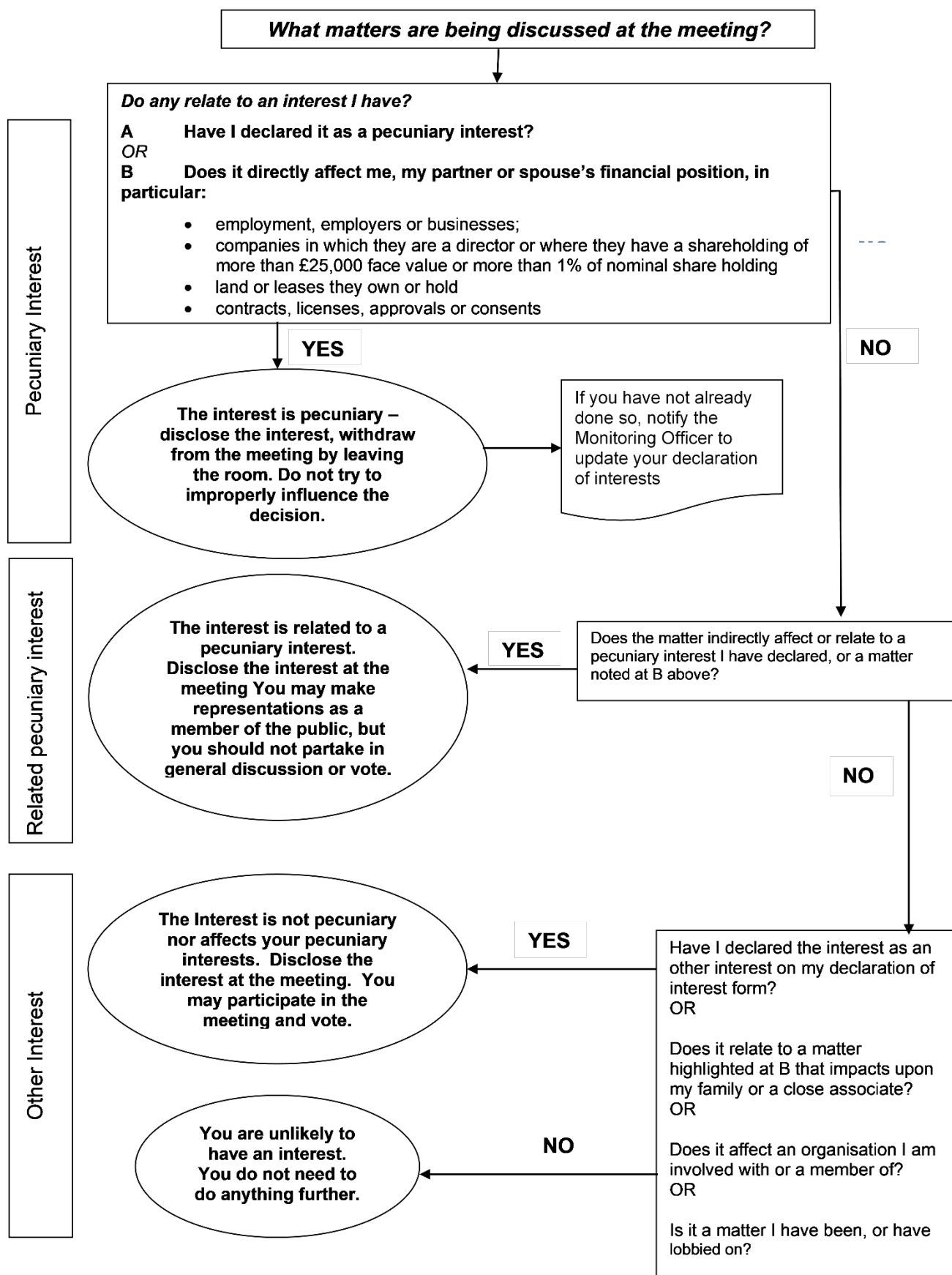
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<p>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> 1. affect yours, or your spouse / partner's financial position? 2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner? 3. Relate to a contract you, or your spouse / partner have with the Council 4. Affect land you or your spouse / partner own 5. Affect a company that you or your partner own, or have a shareholding in <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST
INSTANCE**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Minutes of a meeting of the **Standards Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Monday 26 July 2021** at **10.00am** when there were present:

Cllr N J Brennan – Chairman

Elected Members

Cllr K G Leggett MBE

Cllr D Roper

Co-opted Parish and Town Council Members

Ms M Evans

Ms R Goodall

Mr K Wilkins

Cllr K Lawrence (subject of the complaint) and Cllr S Riley (accompanying the subject of the complaint) were also in attendance.

Officers in attendance were the Monitoring Officer, Deputy Monitoring Officers (LM, EG and SW) and the Democratic Services Officer (JO).

Also in attendance were Ms F Anthony (Investigating Officer, Solicitor - nplaw), Ms K Hulatt (Head of Legal Services nplaw), Mr M Hedges (Independent Person), Mr D Lowe (complainant) and Mr B Goose and Mr S Clark (witnesses).

1 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

Cllr D Roper declared that he was the Liberal Democrat Group Leader. He confirmed that he had not discussed the matter to be considered with anyone prior to today's meeting.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Cook and Cllr Ryman-Tubb.

3 MINUTES

The minutes of the meeting held on 3 April 2019 were confirmed as a correct record.

4 EXCLUSION OF THE PRESS AND PUBLIC

The Committee considered if the hearing should be held in private or public and following discussion it was:

RESOLVED

That the meeting be held in public and that the reports appended to the Agenda be published on the Council's website.

It was confirmed that determination of the complaint would be held in private.

5 CONSIDERATION OF COMPLAINT AGAINST COUNCILLOR LAWRENCE

Monitoring Officer Report

The Monitoring Officer introduced her report, which explained that the Council had received a complaint from Mr David Lowe of the Bure Valley Railway (BVR) on 25 November 2020, against Cllr Karen Lawrence.

The complaint stated that on a number of occasions in late November 2020 Cllr Lawrence used the public footpath alongside the railway to approach the worksite and interacted with individuals undertaking vegetation management by challenging the necessity of the work being undertaken in a terse, intimidating and confrontational manner.

The Monitoring Officer advised that nplaw was instructed to conduct an investigation into the complaint. The investigation had concluded that Cllr Lawrence had breached the Code of Conduct in respect of the following three principles:

- 3.5** *Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.*
- 3.10** *Always treating people with respect, including the organisations and public I engage with and those I work alongside.*
- 3.11** *Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.*

Cllr Lawrence disputed the allegations and the findings within the report, therefore the Monitoring Officer and the Independent Person had elected that

this case should be referred to a hearing of the Standards Committee in order to evaluate the complaint and make a final determination.

The Monitoring Officer highlighted the following issues that the Committee might like to consider during its deliberations:

- Was Cllr Lawrence acting in her capacity as a councillor on all occasions referenced in the complaint?
- Had Cllr Lawrence provided sufficient evidence to prove that she sought any relevant advice required from the Council regarding the works being undertaken and that she had listened to the views of BVR staff?
- What weight should be given to the new evidence provided by Cllr Lawrence in the form of an additional witness statement?
- Did the questions asked of BVR staff constitute a 'reasonable challenge' based on legitimate concerns?

A member suggested that as principle 3.5 related to making decisions it was not applicable to this case. In response, the Committee was advised that the reasons for the inclusion of this part of the Code was set out in the Investigators Report.

The Investigating Officer

Fiona Anthony, Solicitor, advised the meeting that she had conducted the investigation into the complaint. She confirmed that she had had no prior dealings with either the complainant or the subject of the investigation.

The Committee were informed that the complaint alleged that:

1. In November 2020, Cllr Lawrence made several uninvited visits to a site where staff, volunteers and contractors of the BVR were working and challenged the necessity of the work being undertaken.
2. Cllr Lawrence failed to contact the management of the BVR to express her concerns about the work being undertaken or seek advice from Council officers prior to acting.
3. When interacting with staff, volunteers and contractors of the BVR, Cllr Lawrence conducted herself in an intimidating and confrontational manner.

4. Cllr Lawrence took photographs of staff without their consent despite being requested not to do so.

All those concerned in this matter had been spoken to and the above four areas had been looked at in detail.

The first stage of the investigation had established that Cllr Lawrence was acting in her capacity as a Councillor when the alleged behaviours took place, as confirmed by discussions with both Cllr Lawrence and the witnesses. Therefore, the Members' Code of Conduct was engaged and the complaint could be investigated in this light.

The investigation had concluded that there was no evidence that Cllr Lawrence took photographs of staff without their consent despite being requested not to do so. Therefore, complaint 4 was not upheld. However, complaints 1, 2 and 3 were upheld.

Members were advised that the following issues in Cllr Lawrence's final response to the report that needed clarification.

Agenda page 123 of (Page 3: Para 2): ERRONEOUS fact and fabricated claim: *report states that [Cllr Lawrence] "had been informed by residents that someone was burning vegetation along the footpath on the 19th November and she took a bike ride there the following day"* – Cllr Lawrence claims that there was no evidence of burning being reported on the 19th of November, no email submitted. In fact no burning had taken place on that day, no one made a claim to this. This fact has been fabricated.

Fiona Anthony informed the Committee that the above reference was taken from Cllr Lawrence's complaint response dated 12 December 2020, where she stated; 'I was informed by residents that someone was burning vegetation along the footpath on the 19th Nov.'

She added that another area that the Committee might like to consider was the witness statement of Mr John Buck, who claimed that a man was shouting at Cllr Lawrence and waving his arms. It was notable that Cllr Lawrence did not claim that this took place and that a long time had elapsed between the incident and the statement. The investigator therefore questioned whether any weight should be given to the witness' statement.

Mr Ben Goose was then called to speak to the Committee. He advised members that he was the proprietor of B J Goose Digger Hire Ltd and he had been operating a tractor on 20 November 2020 using a mechanical flail for the management of vegetation. He informed the meeting that Cllr Lawrence arrived at the location and threw her bike on the ground and started shouting and screaming in a very agitated manner that he was destroying habitat.

He found her behaviour unsettling and directed her to speak to Stuart Clark, who was supervising the work.

Mr Stuart Clark informed the Committee that he was a volunteer and a contractor for the BVR and he also carried out contract work for Broadland District Council. He told members that Cllr Lawrence spent 90 minutes arguing and shouting at him and refusing to listen to the reasons for the vegetation management taking place. Her body language and manner were disturbing and she did not treat him with respect, by not listening to him. He was also unnerved that she knew his name and that he was a shareholder in the BVR.

These visits became very regular over the course of two weeks and he informed all his staff to not engage with Cllr Lawrence and instead refer her to him. He also told her at a very early stage not to take photographs of staff, but she persisted in doing so, which felt like harassment.

Fiona Anthony then informed the Committee that from the information that she had collated during her investigation she was of the view that the Code of Conduct had been breached by Cllr Lawrence in respect of paragraphs 3.5, 3.10 and 3.11. In regard to a member's suggestion that paragraph 3.5 was not applicable, she emphasised that this principle was also about listening to the interests of all parties and remaining objective, and it was clear from the evidence that Cllr Lawrence had not listened Stuart Clark when he tried to explain the reasons for the work being undertaken.

The investigator concluded that Paragraph 3.10 had been breached by Cllr Lawrence's confrontational manner and 3.11 had been breached as, although she championed the views of some member of the local community, she did not show leadership and was challenging and hostile to the BVR.

The Complainant

Mr David Lowe, the complainant, addressed the Committee and drew members' attention to Cllr Lawrence's accusation that his complaint had been malicious, vexatious and abusing the process. He explained that he had complained to officers of the Council about the matter and had been advised that making a formal complaint under the Members' Code of Conduct would be the appropriate course of action, given the severity of his allegations. Mr Lowe stated that he felt that officers had conducted a rigorous and thorough investigation. He was asking for an apology from Cllr Lawrence and a recognition that her behaviour was wrong and that this would not happen again.

Mr Lowe stated that residents often stopped to ask workers brief questions as they passed by. He concluded that if Cllr Lawrence had engaged briefly with the workers in a simple conversation, and then gone away to request a formal

meeting to state her concerns, through the appropriate channels, the confrontation and hostility which had led him to make his complaint could have been avoided.

Subject of complaint - Cllr Lawrence

Cllr Lawrence addressed the Committee and apologised that she had incorrectly alleged that the investigator had fabricated evidence about the burning of vegetation on the footpath on 19 November 2020. She confirmed that she had not realised this statement had been included in her response to the complaint, and furthermore that there was no evidence to support that any burning of vegetation had taken place on this date.

Cllr Lawrence informed the meeting that when she went to the location on 20 November 2020 she understood that no work had been contracted and she had thought that damage was being done to the embankment with a bucket, on the tractor rather, than a flail.

She admitted that she had spoken sharply and with authority, as there was nothing to indicate that the work was being done in an official capacity. She also informed members that she was expressive with her hands when talking, which might have been misconstrued.

She outlined that the people she spoke to undertaking the work to the railway were passionate about the BVR, but the local community was equally passionate about wildlife and complained to her about the work being undertaken at the site. She advised that she felt that she was in the middle of them both.

Cllr Lawrence next addressed the issue of not contacting the BVR directing regarding her concerns. She outlined that the reason that she did not contact the BVR management directly was because she was awaiting details of the lease from an officer and she did not feel it was appropriate to do so prior to receipt of the information. It was subsequently explained to her at a meeting on 24 November 2020 that the BVR was responsible for the railway track and the Council was responsible for the pathway.

When asked about her witness Mr Buck, she confirmed that she had not remembered until recently that he had passed by during the early stages of her conversation with Stuart Clark on 20 November 2020. She apologised that she had not remembered this during the investigation and explained that this was the reason for the elapse of time between that day and the submission of the statement. She confirmed Mr Buck had written the statement himself.

In answer to a query, Cllr Lawrence informed members that she saw herself as acting as a councillor when she had her Council iPad and was acting on

official business, and as a private individual when she was not. In response, the Chairman suggested that he saw himself as a district councillor all the time and conducted himself accordingly.

Cllr Lawrence told the Committee that she conducted herself in the same way whether as a councillor or a private individual and she had not behaved as the witnesses had described.

Turning to the aspect of the complaint regarding taking photographs of staff, she confirmed that she did not have any photographs containing people's faces.

The meeting adjourned at 12.55pm and reconvened at 13.21pm when all those named above were present.

The Independent Person

Mr Mark Hedges, the Independent Person, advised the meeting that he considered that Cllr Lawrence was clearly acting in her capacity as a councillor when the initial interaction with the BVR staff took place.

He considered that, although Cllr Lawrence had failed to contact the BVR management, principle 3.5 was not necessarily relevant to the complaint, which had not included making decisions. Therefore, he identified no breach of the Code in this respect.

He preferred the evidence of the witnesses to that of Cllr Lawrence in regard to principle 3.10 and he, therefore, concluded that this had been breached, as staff working at the site had not been treated with respect.

He suggested that Cllr Lawrence was right to take a view on the work taking place, but she should have taken a more formal approach given her position. However, he considered that principle 3.11 had not been breached in respect of leadership.

Final thoughts of the subject of the complaint - Cllr Lawrence

Cllr Lawrence informed the Committee that she did not shout at the BVR staff, whom she had treated with respect. Nor did she compel Mr Clark to talk to her for 90 minutes. No formal approach to the BVR had been possible, as the complaints process had been triggered on the 25 November 2020, which she was surprised and disappointed at. She added that she would be happy to apologise for anything said that had been taken in a way she had not intended.

The Committee then

RESOLVED

To adjourn the meeting to deliberate the case in private.

The Complainant, the Witnesses, Cllr Lawrence, Cllr Riley, a member of the public and the legal advisors from nplaw left the meeting whilst the complaint was considered and a decision made on whether the Code had been breached. They were then re-admitted and the Chairman announced the decision.

Decision of the Committee

The Chairman advised the meeting that the Committee had considered all the evidence that had been placed before it and had found that Cllr Lawrence had breached paragraph 3.10 of the Code of Conduct by not treating the staff at the BVR with respect.

The Committee found that Cllr Lawrence had not breached paragraph 3.5 and 3.11 of the Code of Conduct.

RESOLVED

1. That Cllr Lawrence undertake training with the Monitoring Officer on standards matters; and
2. That Cllr Lawrence makes a written apology to the complainant.

The Chairman confirmed that the Committee's decision was final and there was no right of appeal. A notice of the decision would be placed on the website, but no press notice would be published.

The meeting closed at 2.26pm

The Committee on Standards in Public Life and the Model Code of Conduct

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Portfolio: The Leader

Ward(s) Affected: All

Purpose of the Report:

The Standards committee is responsible for maintaining high governance standards within the council pursuant to its duties under the Localism Act 2011. This report asks members to consider the Committee on Standards in Public Life (CSPL) fifteen best practice recommendations and also seeks Committee's agreement on adopting a new Councillor Code of Conduct.

Recommendations:

That Standards committee:

1. Consider the Local Government Association's (LGA) Model Code of Conduct, and agree that it be consulted on, in whole or with local amendments. The results of the consultation to be considered at a further meeting of Standards committee before recommending a final code of conduct to Full Council.
2. Consider the best practice recommendations from the Local Government Ethical Standards to ensure that these are reflected in the code or working practices in whole or with local amendments.

1. Summary

- 1.1 This report seeks to update the committee on two issues, as follows:
the Local Government Association's (LGA) new model code of conduct; and the best practice recommendations from the Local Government Ethical Standards report of January, 2019 issued by the Committee on Standards in Public Life (CSPL).

2. Background

- 2.1 Section 27 of the Localism Act 2011 (the Act) places a duty on relevant authorities to promote and maintain high standards of conduct. In order to discharge its duty a council must adopt a Code dealing with the conduct that is expected of members of the authority when they are acting in that capacity. Section 28 of the Act provides that a relevant authority must secure that a Code adopted by it is, when viewed as a whole, consistent with the Nolan Principles. There is also a requirement to ensure that appropriate measures are taken to record and declare interests. Other than these requirements, it is a matter for each council to adopt a Code that is relevant to its particular circumstances and the Code must be adopted by full Council.
- 2.2 The Committee on Standards in Public Life (CSPL) undertook a review of the ethical framework for members with its report being published in January 2019. The CSPL received evidence that there were considerable variations in Codes of Conduct which was problematic as it created confusion among councillors who served at multiple tiers of local government. The report contained 26 recommendations most of which required consideration by Government and legislative change. Two recommendations, one relating to an updated national model code of conduct and another to include ethical standards of a council within any peer review, were to be considered by the Local Government Association (LGA). The CSPL concluded that there should be a national model Code of Conduct, but this should not be mandatory and could be adapted by individual authorities.
- 2.3 The CSPL report also contained 15 best practice recommendations directed to local authorities with the expectation that they should be implemented.
- 2.4 In 2020, the LGA released a draft Model Member Code of Conduct for consultation. There were extensive consultations on the draft which resulted in some changes and a finalised Model Code was released in May, 2021.
- 2.5 Broadland District Council adopted its current code of conduct in 2012. This code does not fully comply the requirements of the CSPL in that it does not clearly tell councillors what they should or should not do. Furthermore, it does not cover a number of aspects that one would expect to see in a Code such as a definition of bullying and harassment and bringing the office of councillor or the Council into disrepute. The section on declaration of interests also falls short in that it focusses mainly on registering disclosable and other interests rather than declaring them at meetings. The current code is attached at **Appendix 1** (the declaration of interests flowchart is on page 4 of the agenda).

3. Current position

- 3.1 There has been no reported progress on introducing legislation to bring in the changes recommended by the CSPL in the Ethical Standards report probably due

to legislative demands of the Covid pandemic. However, the LGA has produced a Model of Conduct which has taken into account many of the CSPL's best practice recommendations. This code can be adopted in full or tailored to suit individual councils' circumstances.

4. The Model Code of Conduct

4.1 The LGA's Model Code of Member Conduct is attached at **Appendix 2**. The LGA's aim is that the Model Code would be concise, written in plain English and be understandable to members, officers and the public. The Code is designed to aid members in all tiers of local government, with behaviours and high standards that anyone would expect from a person holding public office.

4.2 The LGA Code is more prescriptive than the BDC code and sets out in more detail what is expected of members. Some of the details include:

- definition of treating other councillors, officers and members of the public with respect. This does not prevent councillors from having a viewpoint and expressing challenge, but the line is rightly drawn at personal attack.
- the introduction of a definition of bullying and harassment (a requirement of the CSPL report)
- reference to impartiality of officers and a requirement not to attempt to coerce or persuade officers to act in a way that would undermine their neutrality
- the requirement of confidentiality and in what circumstances it would be appropriate to disclose information
- Placing specific obligations of a councillor under the code in relation to undertaking code of conduct training, co-operating with any investigations, not intimidating anyone involved in investigations and complying with sanctions.

Standards of conduct

4.3 Officers consider that the Standards of councillor conduct in the model code are an improvement on the current code. It does not place any other obligations on members that would not be expected if members are conducting themselves in line with the Nolan Principles. It does, however, set out clear expectations of how members should conduct themselves and this is welcomed.

Registration of Interests

4.4 In terms of registerable interests, officers consider that the Model Code is fit for purpose. Apart from the inclusion of '**any unpaid directorships**' the existing BDC Code and the new LGA Code contain the same non-pecuniary interests to be registered, therefore, this would not represent a major change.

Declaring interests

4.5 Declaring interests is the biggest change, as there is not a great deal of detail about declaring interests in the current code.

4.6 The model code gives more prescribed situations where interests need to be declared which automatically prohibit a member from remaining in the room and taking part in discussion. However, this is often a grey area that members need to consider for themselves in relation to the Nolan principles and public perception, so this should be more helpful to members and ensure that members do not inadvertently breach the Code of Conduct.

- 4.7 The situations outlined in the LGA Model Code that prohibit a member from taking part and voting all represent circumstances that currently would require members not to take part in discussions or voting; therefore these should not be viewed as additional restrictions. The LGA Code simply outlines them in detail, whereas the current BDC Code requires more interpretation of what is required under the legislation.
- 4.8 In addition, the further guidance provided in the Model LGA Code on matters that should be declared, but which members can remain in the room is welcomed. As above, this will be helpful to all members and provides further clarity on the application of the Nolan Principles.
- 4.9 There is also an additional requirement regarding declaring interests on a matter to be considered by a Cabinet member in exercise of their executive function (paragraphs 5 and 10 of Appendix B of the model code).
- 4.10 Key points of note in the Model LGA Code in terms of registering interests and declaring interests are as follows:

Registering Interests

Disclosable pecuniary interests (DPI)

Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Other Registrable Interests (ORI)

- any unpaid directorships
- 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
- any body (of which you are a member or in a position of general control or management:
- exercising functions of a public nature
- directed to charitable purposes or
- one of which whose principal purposes includes the influence of public opinion or policy (including political party or trade union)

Declaring Interests

DPIs – you must disclose it, not participate in any discussion or vote on the matter and not remain in the room (unless you have a dispensation).

ORIs - Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of an ORI, you must disclose it.

Non-registerable interests (NRIs) - Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a DPI) or to a financial interest or well-being of a relative or close associate, you must disclose it.

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

Where a matter arises at a meeting which affects:

- Your own financial interest or well-being
- A financial interest or well-being of a relative or close associate; or

- A financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2

You must disclose it but consider whether you can remain in the meeting (apply test) – participation in meeting same requirements as ORI and NRI.

5. **Committee on Standards in Public Life - best practice recommendations**

- 5.1 The CPSL's best practice recommendations are listed at Appendix C at the end of the LGA's model code of conduct.
- 5.2 Officers have included comments on these recommendations. Members are asked to consider the recommendations and comments to ensure they are reflected in the code or working practices in whole or with local amendments.

6. **Issues and risks**

- a. **Resource Implications** – there will be a need to carry out the full consultation with all District, Town and Parish Council in the South Norfolk area. The results of the consultation will then need to be formally adopted and then relevant training provided to Councillors. It is proposed that this can be provided through existing resources within the Governance Team.
- b. **Legal Implications** – included in the report.
- c. **Equality Implications** – the model Code of Conduct includes Equalities obligations.
- d. **Environmental Impact** – no implications
- e. **Crime and Disorder** – no implications
- f. **Risks** – no other risks identified.

7. **Recommendations**

That Standards committee:

- a. Consider the LGA's Model Code of Conduct, and agree that it be consulted on, in whole or with local amendments. The results of the consultation be considered by the Standards Committee before recommending a final code of conduct to Full Council.
- b. Consider the best practice recommendations from the Local Ethical Standards to ensure that these are reflected in the code or working practices in whole or with local amendments.

Background papers

The Committee on Standards in Public Life report

The LGA's Guidance on the model Code

Broadland Council's register of interest declaration form

BDC CONSTITUTION - PART 5 – Codes and protocols

1.1 Members' code of conduct

1 Introduction to the Code

- 1.1 This Code of Conduct is a key part of the Authority's discharge of its statutory duty to promote and maintain high standards of conduct by its members and co-opted members. It is very much focused upon the principles of conduct in public life of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership and it is the intention of the Authority that the Code be used exclusively in that context and not for any other purpose. It sets an objective, non political and high standard whose purpose is to remind members of the Authority of the behaviour expected of them in public life and to set out clearly the key principles against which their conduct will be measured.
- 1.2 The Code also contains provisions for registration and declaration of interests the breach of which will now attract potential criminal sanctions.
- 1.3 The Council will establish a Standards Committee to hear breaches of the Code and decide on sanctions against members found to be in default. Working closely with the Council's Monitoring Officer and Independent Person the Standards Committee will oversee a straightforward and robust regime dealing only with substantial ethics and standards issues and filtering out the inconsequential, trivial and vexatious. The Code will deal in broad common sense principles and neither it nor the supporting arrangements are intended to be over-technical or over-procedural. To return to the wording of the statute the Code is the Authority's public statement on the promotion and maintenance of high standards of conduct in public life.
- 1.4 Every member and co-opted member of Broadland District Council must sign an undertaking to observe the Code in the terms set out below.

2 The Code

- 2.1 As a member or co-opted member of Broadland District Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
- 2.2 In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.
 - (1) **SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
 - (2) **INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
 - (3) **OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
 - (4) **ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever

scrutiny is appropriate to their office.

- (5) **OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- (6) **HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- (7) **LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

3 As a Member of Broadland District Council my conduct will in particular address the statutory principles of the Code by:

- (1) Championing the needs of residents – the whole community and in a special way my constituents and putting their interests first.
- (2) Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- (3) Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of Broadland nor the good governance of the authority in a proper manner.
- (4) Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- (5) Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- (6) Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- (7) Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
- (8) Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- (9) Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- (10) Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- (11) Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

4 Disclosable Pecuniary Interests

4.1.1 You must:

- (1) comply with the statutory requirements to register, disclose and withdraw

from participating in respect of any matter in which you have a disclosable pecuniary interest

- (2) ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- (3) make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
- (4) “Meeting” means any meeting organised by or on behalf of the authority, including:
 - (1) any meeting of the Council, or a Committee or Sub-Committee of Council
 - (2) any meeting of the Cabinet and any Committee of the Cabinet
 - (3) in taking a decision as a Ward Councillor or as a Member of the Cabinet
 - (4) at any briefing by officers; and
 - (5) at any site visit to do with business of the authority

5 Other Interests

- 5.1 In addition to the requirements of Paragraph 1, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 5.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where:
 - (1) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
 - (2) it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

6 Gifts and Hospitality

- (1) You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.
- (2) The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- (3) This duty to notify the Monitoring Officer does not apply where the gift,

benefit or hospitality comes within any description approved by the authority for this purpose.

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <ul style="list-style-type: none">(a) under which goods or services are to be provided or works are to be executed; and(b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge) –</p> <ul style="list-style-type: none">(a) the landlord is the relevant authority; and(b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	<p>Any beneficial interest in securities of a body where:</p> <ul style="list-style-type: none">(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and(b) either:<ul style="list-style-type: none">(i) the total nominal value of the securities exceeds £25,000 or one

- hundredth of the total issued share capital of that body; or
- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“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.



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

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

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

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

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

Introduction

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

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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

BDC: *Current code does not include bullying and harassment. LGA model code does.*

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.

BDC: *Current code does not include such provisions. LGA model code does.*

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.

BDC: *Current code last adopted on 2012. We are intending to consult members and parish councils on this current review. Proposal is to review this then every four years in line with the term of office, or if further updates are provided.*

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.

BDC: *Code is in the Constitution which is available on website.*

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.

BDC: *Gifts and hospitality register, in csv format, is maintained by the Executive Assistant to the Managing Director.*

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

BDC: *The current form for complaints makes clear the evidence that is required should there be a perceived breach and the complaint is judged against that, with the Independent Person providing the independent oversight.*

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

BDC: *Has appointed one independent person but would have access to South Norfolk's independent person, if needed.*

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.

BDC: *This practice is already in place.*

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.

BDC: *This practice is already in place.*

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.

BDC: *Easy to understand and accessible guidance is on the website, however, estimated timescales are not given as this can vary greatly depending on the level and the complexity of the complaint(s) received. The complainant and the subject of the complaint are regularly kept up to date.*

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.

BDC: *This is not currently in place and it is not proposed that this should be implemented, the complaints process enables anyone who is aggrieved by the conduct of a councillor to put in a complaint, this should not be restricted in anyway, however the controls in place, i.e. evidence based and the Independent Person does ensure that this is not malicious.*

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.

BDC: *This practice is already in place and documented with the responsibilities of the Monitoring Officer within the Constitution.*

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.

BDC: *This practice is already in place, should such an instance arise there are Deputy Monitoring Officers who can take on any investigations, the legal service can also, and has, provide this service and there are informal arrangements in place across Norfolk.*

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.

BDC: *This is included with the Annual Governance Statement.*

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

BDC: *Regular meetings are held regularly with the Conservative Group Leaders and are offered to other main Group Leaders.*

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

Civility in Public Life

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Ward(s) Affected:

All

Purpose of the Report:

To consider the Local Government Association's (LGA) report and work programme into civility in public life, and recommend the adoption of some measures identified in the programme.

Recommendations:

That Committee:

- 1.1 Receives this report and notes the current work of the LGA, promoting civility in public life and supporting the well-being of elected members.
- 1.2 Recommends that Council adopts a member protocol to include the following measures identified in the report:

- a) Appoint an officer to act as a point of contact for any councillor who has received intimidatory contact or communication from an external or internal source. The protocol to include examples of abusive, intimidatory or threatening behaviour to assist members to identify when it is not appropriate to not accept such behaviour from members of the public.
- b) Each political group within the Council to appoint either the Leader of the group and/or one of their number to perform a similar role as above for their elected member
- c) Members be encouraged to follow the LGA's councillors' guide to handling intimidation and to use the model rules of engagement developed by the LGA on their personal websites and social media. The guidance and resource should also form part of the members' induction.
- d) Officers to ensure that members can check the information on the potentially violent persons register, prior to a home visit.
- e) A protocol be established with the police as to how councillors should report intimidation and threats, and establish a named officer for handling serious threats to councillors.

1. Summary

- 1.1 The LGA is committed to promoting civility in public life and supporting the well-being of elected members. This is a long standing area of work for the LGA, but the tragic death of Sir David Amess MP has brought this issue into marked focus.
- 1.2 This report highlights the particular issues of the LGA's programme of work and makes some recommendations to support members.

2. Background

- 2.1 Across the UK, there are growing concerns about the impact an increasing level of public intimidation and toxicity of debate is having on our country's democratic processes, particularly at local level. In response, the LGA is co-ordinating a programme of work entitled 'Civility on public life', primarily aimed at:

- a) articulating good standards for anyone engaging in public and political discourse

- b) understanding the scale and impact of intimidation and abusive behaviour on its membership organisations, and develop recommendations for achieving positive debate and public decision-making on a local level

- c) supporting its members and all democratically elected local representatives in addressing intimidation and abuse, so they deliver the best on behalf of their communities.

- 2.2 The programme of work focusses on three elements – prevention, support and challenge, as follows:

- Prevention** – support/guidance for members and research into the prevalence and impact of intimidation

- Support** – development of policy/legislative proposals with partners that address intimidation particularly with the police, exploring the potential for an informal council 'duty of care' towards its councillors and a revision of the local government code of conduct.

- Challenge** – exploring opportunities for a public and political-facing campaign.

- 2.3 The LGA's report highlights concerns about the impact an increasing level of public intimidation and toxicity of debate is having on our country's democratic processes, particularly at a local level and raises a number of points to consider in terms of councillors interacting with the public.

- 2.4 As part of its prevention and support work, the LGA has produced a range of resources, including a model councillor code of conduct. As the Standards

committee is considering the model code, members are also asked to consider some of the other resources designed to support councillors, as set out below.

3. Current position

- 3.1 The LGA has published a Councillors' [guide](#) to handling intimidation with practical steps that councils and councillors can take to protect themselves as a person in a public position. This guide covers topics such as how to handle abuse, both face-to-face, letters or online, and the legal and practical remedies, including the nature of the criminal offences involved and will be continuously updated with the latest advice and information available.
- 3.2 The LGA has also produced a set of [resources](#) for local councillors on digital citizenship, including a model rules of engagement and top tips on how to tackle online abuse.
- 3.3 To support their programme, the LGA has also been developing a call for evidence of abuse and intimidation. It has produced a [survey](#) for capturing the experiences of councillors experiencing or having experienced abuse or intimidation from the public due to their elected role.

The call for evidence is an ongoing part of the programme, capturing elected members' experiences and emerging trends of abuse and intimidation from the public. Evidence collected in this way will help the LGA to develop a body of evidence to support their calls for legislative and systematic change and develop support for elected members.

- 3.4 The Councillor guide on handling intimidation and the survey link has been sent to members via the Members Bulletin.

4. Proposed action

- 4.1 In order to assess what further action the Council and its Political Groups can take, officers have reviewed the LGA's Civility in public life report and the associated advice/guidance on how to handle intimidation. The following measures could be adopted to support members:
 - 4.1.1 An officer be appointed to act as a point of contact for any councillor who has received intimidatory contact or communication from an external or internal source and wishes to seek support and guidance on how to best handle this.
 - 4.1.2 Encourage each political group within the Council to appoint either the Leader of the group and/or one of their number to perform a similar role as above for their elected member.

- 4.1.3 The Council to encourage Norfolk Constabulary and the Norfolk Police and Crime Commissioner in establishing protocols for how councillors should report serious intimidation and threats that are made to them in their role as councillor, including establishing a named officer responsible for handling serious threats to councillors and to advise on personal safety and security.
 - 4.1.4 Ensuring that council insurance arrangements cover injuries or loss suffered by elected members arising from their role as councillors in respect of any intimidation.
 - 4.1.5 Officers to consider what additional steps could be taken by the council to mitigate the risk of councillors in the event of severe intimidation and threats. For example, in some areas where councillors have been subjected to death threats, they have been supplied with personal alarms by the police and, occasionally, by their Council.
 - 4.1.6 Encourage councillors to use the model rules of engagement developed by the LGA on their personal websites and social media.
 - 4.1.7 Notifying members of individuals added to the Council's potentially violent persons register, so they can contact designated officers to check potentially violent persons prior to undertaking a home visit.
 - 4.1.8 Encourage members to complete the LGA's call for evidence survey.
- 4.2 Committee is asked to consider adopting a number of the measures identified above to help ensure that members remain safe when undertaking their public duties.

5. Issues and risks

- 5.1 **Resource Implications** – the work required to implement the suggestions outlined at paragraph 4.1 can be undertaken within existing Council resources.
- 5.2 **Legal Implications** – none
- 5.3 **Equality Implications** – none
- 5.4 **Environmental Impact** – none
- 5.5 **Crime and Disorder** – measures identified to promote the safety of members

5.6 **Risks** – no other risks identified.

6. Conclusion

6.1 The measures identified in the LGA work programme to support members in relation to intimidation, can be adopted as best practice by the Council to support Councillors and ensure they are equipped with the skills to stay safe when dealing with the public.

7. Recommendations

7.1 That Committee:

7.1.1 Receives this report and note the current work of the LGA, promoting civility in public life and supporting the well-being of elected members

7.1.2 Recommends that Council adopts a member protocol to include the following measures identified in the report:

a) Appoint an officer to act as a point of contact for any councillor who has received intimidatory contact or communication from an external or internal source. The protocol to include examples of abusive, intimidatory or threatening behaviour to assist members to identify when it is not appropriate to not accept such behaviour from members of the public.

b) Each political group within the Council to appoint either the Leader of the group and/or one of their number to perform a similar role as above for their elected member

c) Members be encouraged to follow the LGA's councillors' guide to handling intimidation and to use the model rules of engagement developed by the LGA on their personal websites and social media. The guidance and resource should also form part of the members' induction.

d) Officers to ensure that members can check the information on the potentially violent persons register, prior to a home visit.

e) A protocol be established with the police as to how councillors should report intimidation and threats, and establish a named officer for handling serious threats to councillors.

Background papers

LGA report on Civility in Public Life