



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Standards Committee

Date: **Thursday 21 February 2019**

Time: **6.00 pm**

Place: **Committee Room**

For any further information please contact:

Helen Barrington

Director of Organisational Development and Democratic
Services

0115 901 3896

Standards Committee

Membership

Chair Councillor Emily Bailey Jay

Vice-Chair Councillor Michael Payne

Councillor Alan Bexon
Councillor Andrew Ellwood
Councillor Colin Powell
John Bailey
Rosalie Hawks
Patricia Woodfield

AGENDA

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- 2 To approve, as a correct record, the minutes of the meeting held on 30 August 2018.** 5 - 6
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MINUTES STANDARDS COMMITTEE

Thursday 30 August 2018

Councillor Alan Bexon (Chair)

Present: Councillor Michael Payne Councillor Colin Powell
Councillor Andrew Ellwood

Absent: Councillor Emily Bailey Jay, John Bailey, Rosalie
Hawks and Patricia Woodfield

Officers in H Barrington
Attendance:

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Bailey Jay, John Bailey and Patricia Woodfield.

Due to the late arrival of Councillor Payne, Councillor Bexon was elected as Chair for the meeting.

2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 8 FEBRUARY 2018.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

3 DECLARATION OF INTERESTS.

None.

4 GIFTS AND HOSPITALITY 2017/18

The Director of Organisational Development and Democratic Services introduced a report which has been circulated in advance of the meeting, informing members of the gifts and hospitality received between 1 April 2017 and 31 March 2018.

RESOLVED:

To note the report.

5 REVIEW OF GIFTS AND HOSPITALITY CODE OF PRACTICE FOR MEMBERS AND OFFICERS

The Director of Organisational Development and Democratic Services introduced a report, which had been circulated prior to the meeting, seeking approval to carry out a review of the Gifts and Hospitality Code of Practice for Members and Officers.

Councillor Payne joined the meeting during consideration of this item.

RESOLVED that:

- 1) It was not necessary to set up a working group to produce a separate guidance note for members; and
- 2) The Director of Organisational Development and Democratic Services should carry out a light touch review of the current code and bring an updated version to a future meeting of the Standards Committee.

6 CODE OF CONDUCT COMPLAINTS

The Director of Organisational Development and Democratic Services introduced a report, which had been circulated prior to the meeting, informing members of the Standards Committee of complaints received between 30 January 2018 and 20 August 2018.

RESOLVED:

To note the report.

7 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 5.15 pm

Signed by Chair:
Date:



Report to Standards Committee

Subject: Committee on Standards in Public Life – Review of Local Government Ethical Standards

Date: 21 February 2019

Author: Director of Organisational Development and Democratic Services

1. Purpose of the Report

To present the findings of the Committee on Standards in Public Life review of local government ethical standards and agree what action to take.

Recommendations

THAT:

1. the Committee on Standards in Public Life report be noted: and
2. steps be taken to introduce all the best practice recommendations set out in the Committee on Standards in Public Life report.

2. Background

2.1 The Committee on Standards in Public Life ("CSPL") advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on issues relating to the standards of conduct of all public office holders. CSPL is an independent advisory non-departmental public body.

2.2 As Members are aware, during 2018, the CSPL has undertaken a review of local government ethical standards. This review was not prompted by any specific allegations of misconduct or council failure, but rather to review the effectiveness of the current arrangements for standards in local government, particularly in light of the changes made by the Localism Act 2011. The terms of reference for the review were to:

- i. Examine the structures, processes and practices in local government in England for:
 - Maintaining codes of conduct for local councillors

- Investigating alleged breaches fairly and with due process
 - Enforcing codes and imposing sanctions for misconduct
 - Declaring interests and managing conflicts of interest
 - Whistleblowing
- ii. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
- iii. Make any recommendations for how they can be improved;
- iv. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.
- 2.3 The review covered all local authorities in England, of which there are 353 principal authorities, with 18,111 councillors, and an estimated 10,000 parish councils, with around 80,000 parish councillors. The Committee did not take evidence relating to Combined Authorities, metro mayors, or the Mayor of London and so do not address these areas of local government in this report. Following consideration of the consultation document by Standards Committee at its meeting on 8 February 2018, a response was submitted to the CSPL by the Monitoring Officer in May 2018.
- 2.4 On 30 January 2019, the CSPL published its report and recommendations on ethical standards in local government, following a year-long review and wide consultation. Key recommendations include:
- a new power for local authorities to suspend councillors without allowances for up to six months with a right of appeal for suspended councillors to the Local Government Ombudsman
 - revised rules on declaring interests and gifts and hospitality
 - an updated voluntary Model Code of Conduct to be introduced with local authorities to retain ownership of their own Codes of Conduct
 - a strengthened role for the Independent Person
 - Monitoring Officers provided with adequate training, corporate support and resources and statutory protections to be expanded
 - greater transparency about the number and nature of Code complaints
 - Political groups set clear expectations of behaviour by their members and code of conduct training to be mandatory
- 2.5 A copy of the full CSPL report is a background paper to this report and is available at <https://www.gov.uk/government/publications/local-government-ethical-standards-report>. A copy of the Executive Summary, List of Recommendations and List of Best Practice appears at Appendix 1.
- 2.6 Many of the CSPL recommendations will require primary legislation; the implementation of which will be subject to Parliamentary timetabling. Some changes can be made through secondary legislation or amendments to the Local Government Transparency Code, which could be implemented by

government relatively quickly. The best practice is a matter for individual local authorities and can be introduced by the Council straightway.

3. Proposal

- 3.1 It is proposed that the Committee notes the report and recommendations of the Committee on Standards in Public Life.
- 3.2 The Council already has some of the best practice in place; notably prohibition on bullying and harassment in the code of conduct, the code of conduct and arrangements for dealing with complaints clearly published on the website, access to an Independent Person and reserve and a requirement to consult with the Independent Person at initial assessment stage. It is proposed that the Committee agrees to take steps to introduce all the best practice recommendations. This will demonstrate the Committee's continued commitment to promote and maintain high standards of conduct by members and co-opted members of the Council.

4. Resources Implications

None.

5. Appendices

Appendix 1 - Local Government Ethical Standards - A Review by the Committee on Standards in Public Life: Executive Summary, List of Recommendations and List of Best Practice.

6. Background papers

Report of the Committee on Standards in Public Life
Local Government Ethical Standards - A Review by the Committee on Standards in Public Life.

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

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Local Government Ethical Standards

**A Review by the
Committee on
Standards in Public Life**

**Committee on
Standards in
Public Life**





Executive summary

Local government impacts the lives of citizens every day. Local authorities are responsible for a wide range of important services: social care, education, housing, planning and waste collection, as well as services such as licensing, registering births, marriages and deaths, and pest control. Their proximity to local people means that their decisions can directly affect citizens' quality of life.

High standards of conduct in local government are therefore needed to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy.

Our evidence supports the view that the vast majority of councillors and officers maintain high standards of conduct. There is, however, clear evidence of misconduct by some councillors. The majority of these cases relate to bullying or harassment, or other disruptive behaviour. There is also evidence of persistent or repeated misconduct by a minority of councillors.

We are also concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making.

Giving local authorities responsibility for ethical standards has a number of benefits. It allows for flexibility and the discretion to resolve standards issues informally. We have considered whether there is a need for a centralised body to govern and adjudicate on standards. We have concluded that whilst the consistency and independence of the system could be enhanced, there is no reason to reintroduce a centralised body, and that local

authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government.

We have made a number of recommendations and identified best practice to improve ethical standards in local government. Our recommendations are made to government and to specific groups of public office-holders. We recommend a number of changes to primary legislation, which would be subject to Parliamentary timetabling; but also to secondary legislation and the Local Government Transparency Code, which we expect could be implemented more swiftly. Our best practice recommendations for local authorities should be considered a benchmark of good ethical practice, which we expect that all local authorities can and should implement. We will review the implementation of our best practice in 2020.

Codes of conduct

Local authorities are currently required to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. There is considerable variation in the length, quality and clarity of codes of conduct. This creates confusion among members of the public, and among councillors who represent more than one tier of local government. Many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment. An updated model code of conduct should therefore be available to local authorities in order to enhance the consistency and quality of local authority codes.



There are, however, benefits to local authorities being able to amend and have ownership of their own codes of conduct. The updated model code should therefore be voluntary and able to be adapted by local authorities. The scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor's public behaviour, including comments made on publicly accessible social media, is in their official capacity.

Declaring and managing interests

The current arrangements for declaring and managing interests are unclear, too narrow and do not meet the expectations of councillors or the public. The current requirements for registering interests should be updated to include categories of non-pecuniary interests. The current rules on declaring and managing interests should be repealed and replaced with an objective test, in line with the devolved standards bodies in Scotland, Wales and Northern Ireland.

Investigations and safeguards

Monitoring Officers have responsibility for filtering complaints and undertaking investigations into alleged breaches of the code of conduct. A local authority should maintain a standards committee. This committee may advise on standards issues, decide on alleged breaches and sanctions, or a combination of these. Independent members of decision-making standards committees should be able to vote.

Any standards process needs to have safeguards in place to ensure that decisions are made fairly and impartially, and that councillors are protected against politically-motivated, malicious, or unfounded allegations of misconduct. The Independent Person is an important safeguard in the current system. This safeguard should be strengthened and clarified: a local authority should only be able to suspend a councillor where the Independent

Person agrees both that there has been a breach and that suspension is a proportionate sanction. Independent Persons should have fixed terms and legal protections. The view of the Independent Person in relation to a decision on which they are consulted should be published in any formal decision notice.

Sanctions

The current sanctions available to local authorities are insufficient. Party discipline, whilst it has an important role to play in maintaining high standards, lacks the necessary independence and transparency to play the central role in a standards system. The current lack of robust sanctions damages public confidence in the standards system and leaves local authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct.

Local authorities should therefore be given the power to suspend councillors without allowances for up to six months. Councillors, including parish councillors, who are suspended should be given the right to appeal to the Local Government Ombudsman, who should be given the power to investigate allegations of code breaches on appeal. The decision of the Ombudsman should be binding.

The current criminal offences relating to Disclosable Pecuniary Interests are disproportionate in principle and ineffective in practice, and should be abolished.



Town and parish councils

Principal authorities have responsibility for undertaking formal investigations of code breaches by parish councillors. This should remain the case. This responsibility, however, can be a disproportionate burden for principal authorities. Parish councils should be required to adopt the code of their principal authority (or the new model code), and a principal authority's decision on sanctions for a parish councillor should be binding. Monitoring Officers should be provided with adequate training, corporate support and resources to undertake their role in providing support on standards issues to parish councils, including in undertaking investigations and recommending sanctions. Clerks should also hold an appropriate qualification to support them to uphold governance within their parish council.

Supporting officers

The Monitoring Officer is the lynchpin of the current standards arrangements. The role is challenging and broad, with a number of practical tensions and the potential for conflicts of interest. Local authorities should put in place arrangements to manage any potential conflicts. We have concluded, however, that the role is not unique in its tensions and can be made coherent and manageable with the support of other statutory officers. Employment protections for statutory officers should be extended, and statutory officers should be supported through training on local authority governance.

Councils' corporate arrangements

At a time of rapid change in local government, decision-making in local councils is getting more complex, with increased commercial activity and partnership working. This complexity risks putting governance under strain. Local authorities setting up separate bodies risk a governance 'illusion', and should

take steps to prevent and manage potential conflicts of interest, particularly if councillors sit on these bodies. They should also ensure that these bodies are transparent and accountable to the council and to the public.

Our analysis of a number of high-profile cases of corporate failure in local government shows that standards risks, where they are not addressed, can become risks of corporate failure. This underlines the importance of establishing and maintaining an ethical culture.

Leadership and culture

An ethical culture requires leadership. Given the multi-faceted nature of local government, leadership is needed from a range of individuals and groups: an authority's standards committee, the Chief Executive, political group leaders, and the chair of the council.

Political groups have an important role to play in maintaining an ethical culture. They should be seen as a semi-formal institution sitting between direct advice from officers and formal processes by the council, rather than a parallel system to the local authority's standards processes. Political groups should set clear expectations of behaviour by their members, and senior officers should maintain effective relationships with political groups, working with them informally to resolve standards issues where appropriate.

The aim of a standards system is ultimately to maintain an ethical culture and ethical practice. An ethical culture starts with tone. Whilst there will always be robust disagreement in a political arena, the tone of engagement should be civil and constructive. Expected standards of behaviour should be embedded through effective induction and ongoing training. Political groups should require their members to attend code of conduct training provided by a local authority, and this should also be



written into national party model group rules. Maintaining an ethical culture day-to-day relies on an impartial, objective Monitoring Officer who has the confidence of all councillors and who is professionally supported by the Chief Executive.

An ethical culture will be an open culture. Local authorities should welcome and foster opportunities for scrutiny, and see it as a way to improve decision making. They should not rely unduly on commercial confidentiality provisions, or circumvent open decision-making processes. Whilst local press can play an important role in scrutinising local government, openness must be facilitated by authorities' own processes and practices.



List of recommendations

Number	Recommendation	Responsible body
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.	Local Government Association
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.	Government
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.	Government
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.	Government
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.	Government
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any 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.	Government



Number	Recommendation	Responsible body
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 that matter".	Government
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government
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.	Government
10	A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.	Government
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.	Government / all local authorities
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.	Government
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.	Government



List of recommendations

Number	Recommendation	Responsible body
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, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government
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.	Government
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government
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.	Government
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils
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.	Government
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.	Government
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.	Government



Number	Recommendation	Responsible body
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.	Government
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association



List of best practice

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

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.



Report to Standards Committee

Subject: Review of Gifts and Hospitality Code of Practice for Members and Officers

Date: 21 February 2019

Author: Director of Organisational Development and Democratic Services

1. Purpose of the Report

To seek agreement for minor amendments to the Gifts and Hospitality Code of Practice for Members and Officers and referral to Joint Consultative and Safety Committee and Appointments and Conditions of Service Committee for formal approval.

Recommendation

THAT the minor amendments to the Gifts and Hospitality Code of Practice for Members and Officers set out at Appendix 1 to this report be agreed and referred to Joint Consultative and Safety Committee and Appointments and Conditions of Service Committee for formal approval.

2. Background

- 2.1 As Committee is aware the Council has a Gifts and Hospitality Code of Practice for Members and Officers to enable Members and Officers to decide on the circumstances and the manner in which gifts and hospitality may be accepted.
- 2.2 The Gifts and Hospitality Code of Practice for Members and Officers has been in existence for several years and is in need of review and update. At its meeting on 30 August 2018, the Standards Committee considered the current document and agreed that a light touch update should be carried out as the document has stood the test of time.
- 2.3 A light touch review has been carried out and an updated version of the Code of Practice is attached at Appendix 1. For ease of reference the amendments are shown in strike out and in red.
- 2.4 The Code of Practice forms part of the Council's employee's terms and

conditions of employment and as such amendments require approval via Joint Consultative and Safety Committee and Appointments and Conditions of Service Committee.

3. Proposal

It is proposed that the minor amendments to the Gifts and Hospitality Code of Practice for Members and Officers set out at Appendix 1 to this report be agreed and referred to Joint Consultative and Safety Committee and Appointments and Conditions of Service Committee for formal approval.

4. Resources Implications

None.

5. Appendices

Appendix 1 – Updated Gifts and Hospitality Code of Practice for Members and Officers.

6. Background papers

None identified.

GIFTS AND HOSPITALITY CODE OF PRACTICE FOR MEMBERS AND OFFICERS

1. General

- i. The principles set out in this code apply equally to gifts and hospitality given to relatives of Members and Officer.
- ii. This code ~~is being~~ **has been** issued in order to enable Members and Officers to decide on the circumstances and the manner in which gifts and hospitality may be accepted. This code will be taken into consideration should a question arise as to whether any gift or hospitality was properly accepted. If Members and Officers are in any doubt as to whether they might accept a gift or hospitality they should decline it. ~~This code is intended to supplement the advice given in the National Code of Local Government Conduct and to replace and advice of guidance previously issued by the Council.~~
- iii. Failure by Officers to comply with this code may be subject to the Authority's disciplinary procedures.

2. Legal Position

- i. With regard to Members, ~~paragraphs 27-29 of the National Code of Local Government Conduct issued by the Secretary of State pursuant to S.31 of the Local Government and Housing Act 1989 contain advice~~ **the Council's Code of Conduct contains a number of obligations which Members and co-opted Members must comply with to ensure that their integrity cannot be brought into question by** the acceptance of gifts and hospitality. The Code is reproduced in full in the ~~Standing Orders booklet issued to all members~~ **Constitution**. Failure to comply with the Code may be taken as evidence of maladministration by the Ombudsman on complaint being made **or form the basis of a code of conduct complaint**.
- ii. With regard to Officers, Section 117(2) of the Local Government Act 1972 provides that an Officer of a Local Authority shall not, under the colour of his or her office of employment, accept any fee or reward whatsoever other than his or her proper remuneration. The expression 'any fee or reward' includes such things as unauthorised commissions, gifts or presents. Any person who contravenes this commits a criminal offence and is liable to disciplinary proceedings.
- iii. ~~The Prevention of Corruption Acts (and more specifically the Public Bodies Corrupt Practices Act 1889) make it an offence for any person "corruptly" to solicit or receive any gift, loan, fee, reward or advantage as an inducement or reward for any member, officer or servant of a Public body doing, or forbearing to do, anything with which the Public body is concerned. There is a presumption that if any money or gift is paid or given by a person holding or seeking to obtain a contract with the Council, then that payment or gift is corrupt unless the contrary is proved. It should also be noted that a person acts "corruptly" if the fee or reward is given or solicited deliberately and as part of a bargain for a favour~~

~~(including past favours).~~ The Bribery Act 2010 makes it an offence to seek, accept or agree to accept a financial or other advantage as an inducement or reward to perform a function improperly. In simple terms, it is a criminal offence for employees to seek or accept a financial or other advantage in return for making a decision, granting an award or performing any other public function, regardless of what decision is made. The maximum sentence for a bribery offence is 10 years imprisonment. The Bribery Act 2010 also makes it an offence for the Council to offer or pay bribes and both the individual and the organisation may be prosecuted. Members and officers should bear this in mind in applying the Code of Practice on Gifts and Hospitality and recording their reasons for acceptance of any hospitality.

3. Gifts

- i. The acceptance of gifts is a dangerous practice. As a general rule any offers of gifts, especially from organisations or persons who do work for, or might provide goods or services to the Council, or who need some decision from the Council (eg on planning application) should be tactfully refused.
- ii. Exceptions to this general rule would include modest gifts of a promotional character, including such things as calendars, diaries, articles for use in the office, etc, or a small gift of low value on the conclusion of a courtesy visit to a factory or firm.
- iii. Gifts outside of this description must be politely and firmly refused. If you find refusal difficult you should draw attention to the Council's policy by way of explanation for your refusal. Where such gifts are sent or simply left, they should, if the sender can be identified, be returned. Otherwise the gifts should be recorded and made secure. Arrangements will then be made for them to be officially appropriated to the benefit of the Council or charity. Officers should always advise the appropriate Head of Service **Manager** or Director if a 'larger' gift is offered at any time. Each Department should make arrangements to record such offers **in the central Register of Gifts and Hospitality maintained by the Monitoring Officer.**
- iv. It is important that the Council is entitled to be the beneficiary of 'preferential' trading terms NOT individuals. Where possible any such inducement should be translated into cash discounts available at the Authority.

4. Hospitality

- i. When to accept hospitality is very much a matter of judgement given the particular circumstances.
- ii. These guidelines are directed at any hospitality offered by firms or contractors and not hospitality offered when a Member or Officer is attending a function organised by a local authority or professional body.
- iii. You must exercise the utmost discretion in accepting 'outside' hospitality of any kind.

- iv. In general terms it will usually be more acceptable to join in hospitality offered to a group than to accept something unique to yourself. Contact established at a social level can often be helpful in pursuing the Council's interest. What is important is to avoid any suggestion of improper influence and to avoid giving others the opportunity reasonably to impute improper influence.
- v. Meals provided to allow parties to discuss business, or following, or prior to, such a discussion are usually acceptable. A useful test will often be whether you would provide refreshments if the venue were reversed. Examples of hospitality which is likely to be unacceptable would be paid holidays, complimentary tickets to sporting events, use of company flats or hotel suites, or special concessionary rates which are not openly, and as a matter of practice, available equally to other organisations.
- vi. Any hospitality offered should be notified to the Chief Executive in the case of Members and Directors, to the appropriate Director in the case of ~~Heads of Service~~ **Manager** and staff reporting direct to Directors, and to the appropriate ~~Head of Service~~ **Manager** in the case of other staff and recorded in the registers kept by them for that purpose. In the case of Officers, the acceptance of any hospitality should (wherever possible) first be authorised by the appropriate Director or ~~Head of Service~~ **Manager** or (in the case of a Director) by the Chief Executive. If an offer of hospitality is accepted, the reason why it is appropriate to accept should be recorded in the register.
- vii. The hospitality registers will be made available to the public for scrutiny on request. The registers will be inspected annually on behalf of the Monitoring Officer and ~~may~~ **will** be reported to the Standards Committee.

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Report to Standards Committee

Subject: Code of Conduct Complaints

Date: 21 February 2019

Author: Director of Organisational Development and Democratic Services

1. Purpose of the Report

To inform members of the Standards Committee of complaints received between 21 August 2018 and 12 February 2019.

Recommendation

THAT the report be noted.

2. Background

- 2.1 A summary of the complaints received since the implementation of the existing Standards regime (from 1 July 2012) is set out in the table at Appendix 1. Since 21 August 2018 the Monitoring Officer has received 13 new code of conduct complaints.
- 2.2 Members of the Standards Committee will recall that at the time of the last committee meeting, no complaints were outstanding. A summary of the decisions made in relation to complaints which have been determined since the last meeting appears at Appendix 2. Four complaints are still outstanding and the outcomes will be reported to a future Standards Committee.

3. Proposal

It is proposed that the Committee notes the report.

4. Resources Implications

None.

5. Appendices

Appendix 1 – Summary of the Code of Conduct complaints received since 1 July 2012.

Appendix 2 – Summary of decisions on complaints determined between 21 August 2018 and 12 February 2019.

6. Background papers

None identified.

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
13/01	30/09/13	GBC	Member of public	No action	12/11/13
14/01	06/01/14	GBC	Member of public	Other Action (issue revised guidance on pre-determination)	05/02/14
14/02	18/07/14	GBC	Member of public	No action	12/08/14
14/03	18/07/14	GBC	Member of public	No action	12/08/14
14/04	21/07/14	Woodborough PC	Member of public	Informal resolution (apology)	26/08/14
15/01	05/05/15	GBC	Member of public	No action	09/06/15
15/02	15/09/15	Bestwood St. Albans PC	Member of public	No action	15/10/15
15/03	15/10/15	Bestwood St. Albans PC	Clerk	Local resolution (apology and procedural recommendation to Parish Council)	24/11/06
15/04	15/10/15	Bestwood St. Albans PC	Clerk	No action	26/11/15
16/01	08/03/16	Bestwood St. Albans PC	Clerk	Refer for investigation Investigation discontinued and case closed	05/05/16 38/07/17
16/02	17/03/16	Bestwood St. Albans PC	Member of public	No action	13/05/16
16/03	18/03/16	Bestwood St. Albans PC	Member of public	Informal resolution (training)	01/06/16
16/04	29/05/16	Bestwood St. Albans PC	Member of public	Other action (various procedural recommendations to Parish Council)	17/08/16
STD000299	05/06/17	GBC	Member of public	No action – outside scope of Code	19/06/17
STD000301	05/06/17	GBC	Member of public	No action – outside scope of Code	19/06/17

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD000302	05/06/17	GBC	Member of public	No action – outside scope of Code	19/06/17
STD000530	06/11/17	GBC	GBC Councillor	Informal resolution (apology)	15/12/17
STD000668	04/01/18	GBC	Member of public	No action – outside scope of Code	14/02/18
STD000990	06/09/18	GBC	GBC Councillor	Other action – Recommendations made in relation to Planning Delegation Panel process	25/10/18
STD001069	15/11/18	Calverton Parish Council	Parish Councillor	In progress	
STD001093	19/11/18	Calverton Parish Council	Parish Councillor	In progress	
STD001094	19/11/18	Calverton Parish Council	Parish Councillor	Other action – advice given to Councillor and recommended Clerk issue guidance	21/01/19
STD001096	21/11/19	Calverton Parish Council	Member of public	Not pursued by complainant	
STD001108	28/11/18	Calverton Parish Council	Parish Councillor	No further action	07/02/19
STD001110	28/11/18	Calverton Parish Council	Parish Councillor	No further action	18/01/19
STD001111	28/11/18	Calverton Parish Council	Parish Councillor	No further action	21/01/19
STD001112	28/11/18	Calverton Parish Council	Parish Councillor	No further action	21/01/19
STD001113	28/11/18	Calverton Parish Council	Parish Councillor	No further action	24/01/19
STD001126	06/12/18	Calverton Parish Council	Parish Councillor	Not pursued by complainant	
STD001138	11/12/18	Calverton Parish Council	Parish Councillor	In progress	
STD001199	23/01/19	Woodborough PC	Member of Public	In progress	

By virtue of paragraph(s) 1,2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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