

Agenda

Standards Committee

Date: **Thursday 21 September 2023**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

Francesca Whyley

Head of Governance and Customer Services

0115 901 3907

Standards Committee

Membership

Chair	Councillor Paul Feeney
Vice-Chair	Councillor David Brocklebank
	Councillor Stuart Bestwick
	Councillor Boyd Elliott
	Councillor Andrew Ellwood
	Councillor Clive Towsey-Hinton
	Rosalie Hawks

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Responsibility of committee:

Within their terms of reference the Standards Committee will be responsible for:

- a) promoting and maintaining high standards of conduct by the members and co-opted members of the council;
- b) assisting members and any co-opted members of the Council to observe the Members' Code of Conduct;
- c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- d) monitoring the operation of the Members' Code of Conduct;
- e) advising, training or arranging to train members and any co-opted members of the council on matters relating to the Members' Code of Conduct;
- f) performing the functions set out in (a) - (e) above in respect of the parish councils in the Borough;
- g) granting dispensations to members and any co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- h) dealing with any reports from the Monitoring Officer on any matter;
- i) advising on what should be entered into the register of interests for members and co-opted members;

- j) dealing with matters relating to the recruitment of co-opted independent and parish members of the Standards Committee;
- k) dealing with matters relating to the recruitment of the Independent Person and to make recommendations to Council as to the appointment of the Independent Person.
- l) approving all strategies, policies, protocols and procedural documents that fall within the remit of the Committee (excluding budget and policy framework items).

AGENDA

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- 2 **To approve, as a correct record, the minutes of the meeting held on 22 June 2023** 5 - 7
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MINUTES STANDARDS COMMITTEE

Thursday 22 June 2023

Councillor Paul Feeney (Chair)

Councillor David Brocklebank Councillor Clive Towsey-Hinton
Councillor Andrew Ellwood

Absent: Councillor Stuart Bestwick, Councillor Boyd Elliott
and Rosalie Hawks

Officers in Attendance: C Goodall and F Whyley

1 APOLOGIES FOR ABSENCE

Apologies were received from Rosalie Hawks.

2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 15 DECEMBER 2022

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record, subject to a correction to add Councillor Michael Payne to the absentees list.

3 DECLARATION OF INTERESTS

None.

4 RECRUITMENT OF CO-OPTED PARISH REPRESENTATIVE

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, seeking approval to commence recruitment to fill the vacant post of co-opted parish representative.

The interview panel members agreed were Councillors Feeney (Labour) and Towsey-Hinton (Liberal Democrat), plus a councillor from the Conservative Party who were absent from the meeting. It was agreed that The Monitoring Officer would contact the remaining two members outside of the meeting and ask for a volunteer to join the interview panel.

RESOLVED to:

- 1) Authorise the Monitoring Officer to commence the recruitment process for a co-opted parish council representative to join the Standards Committee
- 2) Establish an interview panel of 3 members drawn from the membership of the Standards Committee; and
- 3) Agree that the panel shall bring a recommendation as to appointment to the next meeting of this Committee

5 REVIEW OF THE CODE OF CONDUCT

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, seeking approval to commence a review of the Members Code of Conduct.

The Monitoring Officer informed the committee that Rosalie Hawks had expressed an interest in joining the working group. The remaining working group members agreed were Councillors Feeney (Labour) and Towsey-Hinton (Liberal Democrat), plus a councillor from the Conservative Party who were absent from the meeting. It was agreed that The Monitoring Officer would contact the remaining two members outside of the meeting and ask for a volunteer to join the working group.

RESOLVED to:

- 1) Agree to the establishment of a working group to support the Monitoring Officer in a review of the Member's Code of Conduct
- 2) Agree to a consultation on changes to the Code of Conduct with stakeholders and residents as detailed in this report

6 GIFTS AND HOSPITALITY 2022/23

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, informing the Standards Committee of gifts and hospitality received between 1 April 2022 and 31 March 2023 and to identify any issues arising from the annual review of the Register of Gifts and Hospitality.

RESOLVED:

To note the details of the annual review of gifts and hospitality.

7 CODE OF CONDUCT COMPLAINTS UPDATE

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, informing members of complaints received between 15 December 2022 and 22 June 2023.

RESOLVED:

That the report be noted.

8 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 6.25 pm

Signed by Chair:
Date:

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Report to Standards Committee

Subject: Recruitment of co-opted Parish Representative

Date: 21 September 2023

Author: Monitoring Officer

Purpose

To recommend to Council that Louise Kopyrko, Councillor for Calverton Parish Council should be co-opted on to the Standards Committee to fill the vacant post of co-opted parish representative.

Recommendation

That Members:

- 1) recommend to Council that Louise Kopyrko, Councillor for Calverton Parish Council should be co-opted on to the Standards Committee to fill the vacant post of co-opted parish representative until the next annual meeting; and
- 2) delegate authority to the interview panel to review the appointment prior to the next annual meeting and recommend to Council whether the co-option should continue.

1 Background

1.1 Members will recall that at the Standards Committee meeting in June 2023, it was agreed that a cross party interview panel would be set up to interview candidates for the vacant post of co-opted parish representative.

1.2 The applicants were interviewed by the panel on 10th August 2023 and the panel recommends that Louise Kopyrko, Councillor for Calverton Parish Council be co-opted to the Standards Committee to fill the vacant post of co-opted parish representative. In view of the fact that this is a new appointment, the panel also recommends that she is co-opted until the next annual meeting and that the panel should review whether the co-option

should continue.

2 Proposal

- 2.1 It is proposed that the Standards Committee recommends to Council that Louise Kopyrko, Councillor for Calverton Parish Council should be co-opted on to the Standards Committee to fill the vacant post of co-opted parish representative until the next annual meeting.
- 2.2 It is also proposed that the Standards Committee delegates authority to the interview panel to review the appointment prior to the next annual council. The panel can then recommend to Council whether the co-option should continue.

3 Alternative Options

- 3.1 The Committee could determine not to recommend co-option of this candidate, however there was a fair and open recruitment process and the panel determined that Louise Kopyrko was a suitable candidate for appointment after reviewing her application and undertaking an interview. The Committee already determined to fill the vacant parish rep post at the previous Committee meeting in June.

4 Financial Implications

- 4.1 On appointment, the co-opted member will be entitled to receive the co-opted members' allowance agreed as part of the Members' Allowances Scheme, which is currently set at £500 per annum. This will be met from existing budgets.

5 Legal Implications

- 5.1 Standards Committee have authority to deal with the recruitment of co-opted members and to make recommendations to Council on appointment.

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/environmental sustainability implications arising from this report.

8 Appendices

- 8.1 None

9 Background papers

9.1 None identified.

Statutory Officer approval

Approved by the Chief Financial Officer

Date:

Drafted by the Monitoring Officer

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Report to Standards Committee

Subject: Update on the review of the Code of Conduct

Date: 21 September 2023

Author: Monitoring Officer

Purpose

To update Committee on the progress of the review of the Members' Code of Conduct and to seek approval to allow a further period of consultation on an updated Code of Conduct.

Recommendation(s)

THAT:

- 1) Members note the work undertaken by the working group on the review of the Council's Member Code of Conduct; and**
- 2) Members agree a further period of consultation on the new draft Gedling Borough Council Councillor Code of Conduct at Appendix 1.**

1 Background

- 1.1 In June 2023, this Committee agreed to establish a cross party working group to support the Monitoring Officer in a review of the Council's Member Code of Conduct. The working group were to consider again the Local Government Association's Model Code of Conduct (the Model Code) as part of this review as more authorities locally had adopted the Model Code either in full or in part. The Committee also agreed to a consultation on the review of the Code with stakeholders and residents.
- 1.2 The working group met on 11 August 2023 and considered the Council's Code of Conduct alongside the Model Code. The group also considered which other authorities had adopted the Code and what, if any, amendments authorities had made to the Model Code on adoption. The working group comprised of two committee members, one co-opted committee member, the Independent Person, along with the Monitoring Officer and Deputy Monitoring officer.

- 1.3 Following discussion and consideration of the two codes, the group supported a move to the Model Code with some slight amendments. The changes to the Model Code proposed by the working group were minimal in relation to general conduct rules in that there were two additional requirements in relation to Code of Conduct complaints, firstly that witnesses and complainants in Code complaints should not be the subject of intimidation and secondly that trivial and malicious complaints should not be made. There was one other addition to the Model Code which is a general requirement for Councillors to act in accordance with legal obligations and other requirements in the Council's policies, protocols and procedures. This latter addition is taken from the current Gedling Code of Conduct.
- 1.4 In respect of Member's Interests, these have not changed in the new Code of Conduct and have only been re-formatted.
- 1.5 Following the meeting of the working group the new draft Code of Conduct was drafted and circulated for wider consultation with members, parishes and the public. The consultation was launched on 24th August 2023 and closed on 11th September with a view to the consultation responses being put forward to Standards Committee for consideration.
- 1.6 There has been a few responses to the consultation on the new draft Code and these have been positive, however there has also been a comment that the consultation period is insufficient particularly where some parish councils may wish to discuss the contents. It is also recognised that the consultation ran during the summer period and bank holiday and as such, people may not have had adequate opportunity to respond. After discussion with the Chair of this Committee it was agreed that further consultation may be required to ensure maximum engagement on a new Code of Conduct.

2 Proposal

- 2.1 It is proposed that Members note the work undertaken to date by the working group which has been essential in the development of a new Code of Conduct.
- 2.2 In order to ensure maximum engagement with the review of the Code of Conduct, it is proposed that a further period of consultation be launched on the draft Code of conduct at Appendix 1. The previous consultation was run through the website and copies of the document were emailed directly to members and parishes. The previous consultation closed on 11th September. A fresh consultation could be launched straight away. Promotion of the consultation will be undertaken with parishes through the upcoming parish conference in October. Members will also be contacted directly to contribute. It is proposed that the consultation runs for a minimum of 4-6 weeks with responses being brought to the next Standards Committee in December.

3 Alternative Options

- 3.1 That Members do not agree a further period of consultation and move to make recommendations on the Code of Conduct to Council. Given the significance of this document and its application to all Councillors and potentially Parish Councillors, it is not recommended that conclusions are drawn without wider engagement.

4 Financial Implications

- 4.1 There are no financial implications arising out of this report.

5 Legal Implications

- 5.1 The Localism Act 2011 requires authority's to have a Code of Conduct for Members, however, the authorities are not required to adopt the LGA Model code. Any changes to the Code of Conduct should be agreed by Council.

6 Equalities Implications

- 6.1 There are no equality implications arising from this report. Consultation will be undertaken in a way that ensures accessibility.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

- 8.1 Draft Gedling Borough Council Member's Code of Conduct

9 Background Papers

- 9.1 Local Government Association Model Code of Conduct [Local Government Association Model Councillor Code of Conduct 2020 | Local Government Association](#)

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Drafted by the Monitoring Officer

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Members' Code of Conduct

1. Introduction

- 1.1 All councils are required to have a local Councillor Code of Conduct. Gedling Borough Council has adopted this Code of Conduct pursuant to section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by Members and Co-opted Members of the Council.
- 1.2 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 councillors can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of the Council as a whole.
- 1.3 Councillors, represent local residents, work to develop better services and deliver local change. The public have high expectations of councillors and entrust councillors to represent the local area, taking decisions fairly, openly, and transparently. Councillors have both an individual and collective responsibility to meet public expectations by maintaining high standards, demonstrating good conduct and by challenging behaviour which falls below expectations.
- 1.4 Importantly, councillors should be able to undertake their role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.
- 1.5 This Code has been designed to protect the democratic role of councillors, encourage good conduct and safeguard the public's trust in local government, it is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership, the Seven Principles of Public Life, also known as the Nolan Principles.

2 Definitions

- 2.1 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".

3. Purpose

3.1 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 fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

4. General Principles of Councillor Conduct

4.1 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.

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

4.3 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.

4.4 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.

5. Application of the Code of Conduct

5.1 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.

5.2 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;

5.3 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.

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

5.5 The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

6. Standards of Councillor Conduct

6.1 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.

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

7. General Conduct Rules

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.

Examples of behaviour which amounts to bullying and harassment are set out in Appendix B to the Code of Conduct.

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.

6.2 I behave in accordance with legal obligations and any other requirements contained within the Council's policies, protocols and procedures.

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:

- **act in accordance with the local authority's requirements;**
- and**

- **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 will not make trivial or malicious allegations that another Councillor has failed to comply with the Code of Conduct.**
- 8.4 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings including any complainant or witnesses.**
- 8.5 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 the Monitoring Officer.

9. Protecting your reputation and the reputation of the local authority

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 C 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.

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

Definitions and examples of behaviour which amount to bullying or harassment

Bullying may be characterised as behaviour, or an abuse or misuse of power in a way that undermines, humiliates, unfairly criticises or injures someone.

A non-exhaustive list of behaviour which amounts to bullying includes:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying correspondence that is critical about someone to others who do not need to know
- ridiculing or demeaning someone - picking on them or setting them up to fail
- exclusion - deliberately excluding someone from meetings or written correspondence in matters for which they have a responsibility or professional interest or deliberately excluding someone from events or celebrations that it would ordinarily be expected that they might legitimately attend
- victimisation - taking action detrimental to someone as a result of them raising a complaint or issue of concern in good faith through formal and correct procedure whether or not the complaint was upheld or proven
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances-touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- publicly criticising the work or efficiency of someone where the issue has not been formally raised with that person through proper process and the right of explanation or appeal has not been made available
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities

Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

A non-exhaustive list of behaviour which amounts to harassment includes:

- frequent unwanted contact, including texts, letters, phone calls, emails and communication via social media or any other electronic communication
- sending unwanted gifts
- driving past an individual's home or visiting them at work without legitimate purpose or following or watching an individual
- sharing humiliating information, lies or gossip about an individual
- making inappropriate comments, critical remarks or offensive jokes
- threatening behaviour
- excessive demands that are impossible to deliver
- making sexual comments or jokes or inappropriate sexual gestures
- making jokes or degrading or patronising comments or teasing an individual about their race, religion, age, gender, sexual orientation or disability. This would also amount to an offence under the Equality Act.

Appendix C – 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 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 cases of a 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 existence and nature of that interest, whether or not it is included in your register of interests, and not participate in any discussion or vote on the matter, and must not remain in the room unless you have been granted a dispensation from the Council's Standards committee or Monitoring Officer.
5. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest.
6. Where you have a disclosable pecuniary interest in any business of the Council, you may attend a meeting (including a meeting of the overview and scrutiny committee of the Council or of a sub-committee of such a

committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. You must leave the meeting immediately after making any such representations, answering questions or giving evidence.

7. 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.
8. Where a disclosable pecuniary interest is not included on the Council's register of interests and is not the subject of a pending notification you must notify the Monitoring officer of the interest in writing within 28 days of the date you became aware of the interest.

Disclosure of other registerable Interests

9. Where a matter arises at a meeting which relates to one of your other registerable interests, your non-pecuniary interests (Table 2). You must disclose the interest and the nature of the interest at the commencement of that consideration or when the interest becomes apparent only where you are aware or ought reasonably to be aware of the existence of the non-pecuniary interest.
10. Where you have a non-pecuniary interest but it is considered to be a sensitive interest, you must indicate the existence of the interest but need not disclose details of the interest to the meeting.
11. Where you have a non-pecuniary interest in any business of the Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
12. If you have a non-pecuniary interest in any business of the Council you may participate, vote and remain in the room or chamber where a meeting considering the business is being held unless your interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

13. If you have a non-pecuniary interest in any business of the Council you may participate, vote and remain in the room or chamber where a meeting considering the business is being held where that business relates to the functions of the Council in respect of:
- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iii) an allowance, payment or indemnity given to members;
 - (iv) any ceremonial honour given to members; and
 - (v) setting council tax or a precept under the Local Government Finance Act 1992.
14. Where you have a non-pecuniary interest in any business of the Council in the circumstances set out in paragraph (12) above, you may remain in the room or chamber where a meeting considering the business is being held for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Table 1 – Disclosable Pecuniary Interests

<u>Interest</u>	<u>Prescribed description</u>
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 Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses.</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 you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council:</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. <p><i>For this purpose “body in which you or they have 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.</i></p> <p><i>“Director” includes a member of the committee of management of an industrial and provident society.</i></p>
Land	<p>Any beneficial interest in land which is within the Council’s area.</p> <p><i>For this purpose “land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.</i></p>

Licences Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.

Corporate tenancies Any tenancy where (to your knowledge):

- (a) the landlord is the Council; and
- (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest

Securities Any beneficial interest in securities of a body where:

- (a) that body (to your knowledge) has a place of business or land in the Council's area; 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 you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, "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

Interests other than Disclosable Pecuniary Interests

Non-pecuniary Interests

16.(1) You have a non-pecuniary interest in any business of the Council where either:

(a) It relates to or is likely to affect:

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
- (ii) any body:
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) 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;

- (iii) any employment, office, trade, profession or vocation carried on by you not for profit or gain;
- (iv) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income;
- (v) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

or

(b) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of:

- (i) a member of your family or any person with whom you have a close association;
- (ii) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (iii) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (iv) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

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Report to Standards Committee

Subject: Code of Conduct Complaints Update

Date: 21 September 2023

Author: Monitoring Officer

Purpose

To inform members of the Standards Committee of complaints received between 22 June 2023 and 21 September 2023.

Recommendation

THAT the report be noted.

1 Background

- 1.1 A summary of the number of complaints received since the implementation of the existing Standards regime (from 1 July 2012) is set out in the graph in Appendix 1. A summary of the complaints received since 2021/22 is set out in the table at Appendix 1. Since 22 June 2023, the Monitoring Officer has received 3 new valid code of conduct complaints.
- 1.2 Members of the Standards Committee will recall that at the time of the last committee meeting, 1 complaint was outstanding. The complaint outstanding at the last Committee has been concluded and the summary of decision in that case is attached at Appendix 2.
- 1.3 In relation to the 3 new complaints received one has been referred for investigation and the investigation is ongoing, the other two have concluded and full information in relation to those complaints can be found at Appendix 2 with a summary at Appendix 3.

2 Proposal

- 2.1 It is proposed that the Committee notes the report.

3 Alternative Options

- 3.1 Not to report code of complaints received by the Monitoring Officer however this would be contrary to the Council's arrangements for dealing with complaints.

4 Financial Implications

4.1 The costs associated with complaints are met from existing budgets.

5 Legal Implications

5.1 Code of Conduct complaints must be dealt with in accordance with the Council's Approved Arrangements for Dealing with Complaints.

6 Equalities Implications

6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

7.1 There are no carbon reduction/environmental sustainability implications arising from this report.

8 Appendices

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

8.2 Appendix 2 – Exempt Appendices – Summary of complaint determined between 22nd June 2023 and 21st September 2023.

8.3 Appendix 3 – Summary of complaints determined between 22nd June 2023 and 21st September 2023.

9 Background papers

9.1 None identified.

10 Reasons for Recommendation

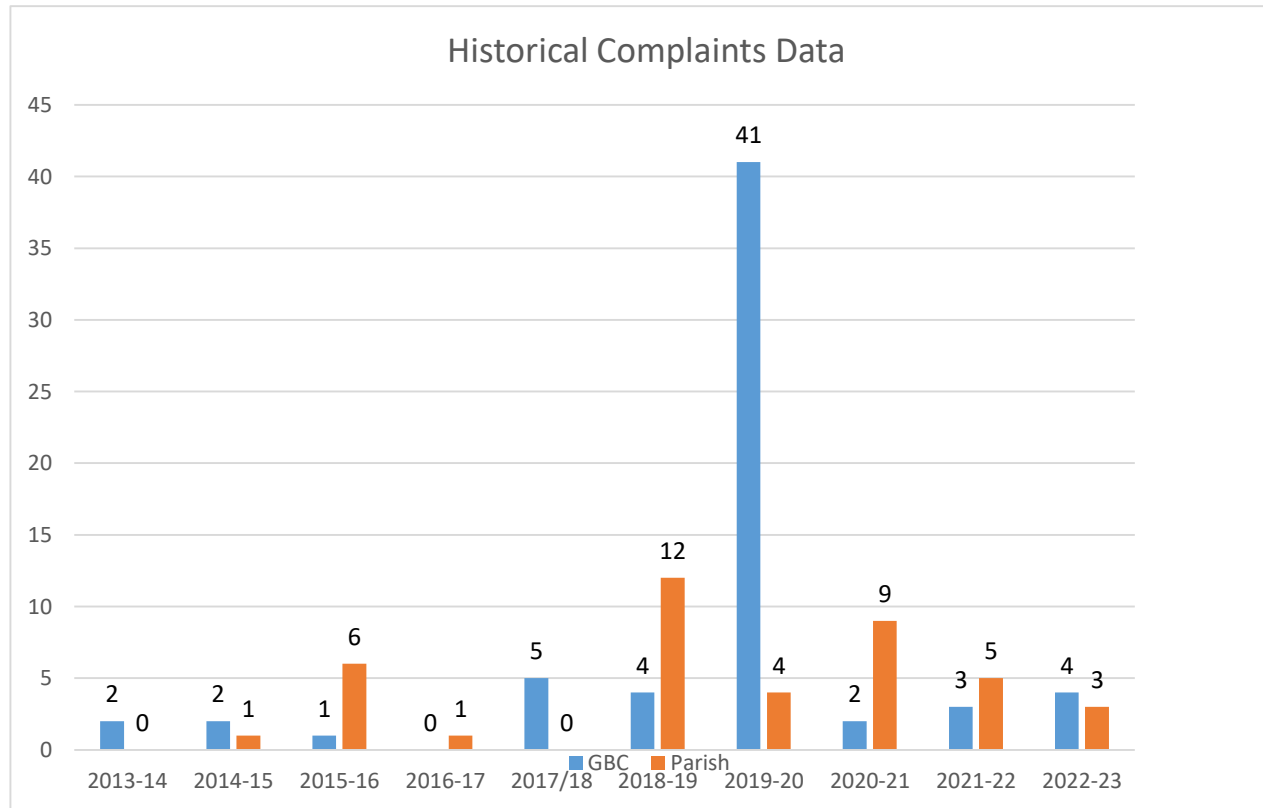
10.1 To keep Committee updated on Code of Conduct Complaints

Statutory Officer approval

Approved by the Chief Financial Officer

Date:

Drafted by the Monitoring Officer



Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
Complaints received 2020-21					
STD002164	09/06/20	Calverton Parish Council	Councillor (not GBC)	Complaint treated as withdrawn	24/08/20
STD002181	22/06/20	Calverton Parish Council	Member of Public	Complaint treated as withdrawn	24/08/20

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD002182	22/06/20	Calverton Parish Council	Councillor (not GBC)	Complaint treated as withdrawn	24/08/20
STD002187	26/06/20	Calverton Parish Council	Member of Public	No further action	21/09/20
STD002207	13/07/20	GBC	Member of Public	Reject Complaint – Not acting in official capacity	13/08/20
STD002306	21/10/20	GBC	Member of Public	Complaint treated as withdrawn	
STD002393	07/01/21	Calverton Parish Council	Councillor (not GBC)	Informal Resolution: recommended a written apology be issued	02/07/21
STD002463	02/02/21	Calverton Parish Council	Councillor (not GBC)	No further action	24/05/21
STD002464	02/02/21	Calverton Parish Council	Councillor (not GBC)	Complaint treated as withdrawn	
STD002465	31/01/21	St Albans Parish Council	Member of the Public	No further action	12/05/21
STD002499	16/02/21	Calverton Parish Council	Councillor (not GBC)	No breach	28/07/22
STD002608	16/02/21	Calverton Parish Council	Councillor (not GBC)	Hearing concluded Breach of the Code	10/11/22
Complaints received 2021-22					

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD002554	21/04/21	Calverton Parish Council	Member of the Public	Complaint treated as withdrawn	
STD002555	07/04/21	Calverton Parish Council	Member of the Public	No further action	13/08/21
STD002582	06/05/21	GBC	Member of the Public	Reject complaint – Not acting in official capacity	21/05/21
STD002583	07/05/21	GBC	Member of the Public	Reject complaint – Not acting in official capacity	21/05/21
STD002584	11/05/21	GBC	Member of the Public	Reject complaint – Not acting in official capacity	21/05/21
STD002657	14/07/21	Calverton Parish Council	Member of the Public	No further action	13/05/22
STD002955	16/03/22	Calverton Parish Council	Councillor (not GBC)	Reject complaint – Not acting in official capacity	28/07/22
STD002956	16/03/22	Calverton Parish Council	Councillor (not GBC)	No further action	30/05/22
Complaints received 2022-23					
STD002993	03/05/22	GBC	Member of the Public	Reject complaint – Conduct complained of outside the Code of Conduct	15/06/22

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD003067	29/06/22	St Albans Parish Council	Councillor (not GBC)	No further action	16/09/22
STD003116	01/08/22	Calverton Parish Council	Councillor (not GBC)	No further action	16/11/22
STD003124	13/08/22	Gedling Borough Council	Member of the public	Reject complaint – not acting in official capacity	19/08/22
STD003126	15/08/22	Gedling Borough Council	Member of the public	Reject complaint – not acting in official capacity	19/08/22
STD003127	15/08/22	Gedling Borough Council	Member of the public	Reject complaint – not acting in official capacity	19/08/22
STD003249	30/11/22	Calverton Parish Council	Member of the public	Informal Resolution, apology given – no further action	10/03/23
Complaints received 2023-24					
STD003558	13/04/23	Burton Joyce Parish Council	Member of the Public	No further action	13/7/2023
STD003677	30/6/23	St Albans Parish Council	Councillor (not GBC)	Referred for investigation - Ongoing	03/08/2023
STD003687	10/7/23	Newstead Parish council	Member of the Public	Potential breach identified – informal resolution proposed	17/08/23
STD003690	13/7/23	Newstead Parish Council	Member of the	Potential breach identified – informal	17/08/23

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
			Public	resolution proposed	

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