



TRAFFORD COUNCIL

AGENDA PAPERS FOR STANDARDS COMMITTEE

Date: Wednesday, 4 March 2020

Time: 6.30 p.m.

Place: Committee Rooms 2 and 3, Trafford Town Hall, Talbot Road, Stretford,
M32 0TH

A G E N D A	PART I	Pages
1.	ATTENDANCES To note attendances, including officers, and any apologies for absences.	
2.	MINUTES To receive and, if so determined, to agree as a correct record the minutes of the meeting held on 22 January 2020.	To Follow
3.	TRAFFORD'S RESPONSE TO LOCAL GOVERNMENT ETHICAL STANDARDS AREAS OF BEST PRACTICE To receive a report from the Corporate Director of Governance and Community Strategy.	1 - 44
4.	CIVILITY IN PUBLIC LIFE To receive a report from the Corporate Director of Governance and Community Strategy.	45 - 64
5.	MONITORING OFFICERS REPORT To receive a verbal report from the Monitoring Officer.	Verbal Report
6.	URGENT BUSINESS (IF ANY) Any other item or items (not likely to disclose "exempt information") which, by reason of special circumstances (to be specified), the Chairman of the	

Standards Committee - Wednesday, 4 March 2020

meeting is of the opinion should be considered at the meeting as a matter of urgency.

SARA TODD
Chief Executive

Membership of the Committee

Councillors K. Procter (Chair), C.H. Churchill (Vice-Chair), Miss L. Blackburn, Dr. S. Carr, G. Coggins, B. Hartley, D. Jarman, M. Minnis, P. Myers, L. Walsh, D. Western, Mr. D. Goodman, Mr. C.E.J. Griffiths, Mr R. Brown, A. Rudden, N. Jackson and Mr M. Whiting.

Further Information

For help, advice and information about this meeting please contact:

Alexander Murray, Governance Officer
Tel: 0161 912 4250
Email: alexander.murray@trafford.gov.uk

This agenda was issued on **Tuesday, 25 February 2020** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH.

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TRAFFORD COUNCIL

Report to: Standards Committee
Date: 04 March 2020
Report for: Information and Decision
Report of: Corporate Director of Governance & Community Strategy

Report Title

Trafford's response to the Local Government Ethical Standards areas of best practice published by the Committee on Standards in Public Life in January 2019.

Summary

The Committee on Standards in Public Life completed an in-depth review of ethical Standards within local authorities in 2018. The review focused upon how Local Authorities had responded to the changes made by the Localism Act 2011. The final report was published in January 2019 and contained 15 areas of best practice which Local Authorities were to implement. This report provides an update to the Committee on the Council's progress in implementing the 15 areas of best practices as shown in the updated action plan (Appendix 1). This report also presents a series of documents which have been developed to update the Council's policies and procedures (Appendices 2 – 8) in line with the 15 areas of best practice.

Recommendations

The Standards Committee are asked to;

- a) To note the progress made so far and any outstanding actions.
- b) To discuss and amend the 7 Documents which adjust the Council's policies and procedures.
- c) To agree amendments to the constitution and recommend them to Council for adoption.
- d) To agree the process for Gifts and Hospitality and to recommend the process to the Accounts and Audits Committee for adoption.

Contact person for access to background papers and further information:

Name: Alexander Murray

Extension: 4250

Background Papers: None

Implications

Relationship to Policy Framework/Corporate Priorities	Council's Constitution, Members' Code of Conduct and related policies and procedures.
Financial	None
Legal Implications:	None
Equality/Diversity Implications	None
Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	None
Risk Management Implications	Revision of the Council's Code of Conduct and related policies and procedures in line with the areas of best practice of the CSPL will reduce the risk of legal action being taken against the Council.
Health and Safety Implications	None

1.0 Background

- 1.1 The Committee on Standards in Public Life conducted a review of Local Government Ethical Standards in 2018. As part of the review all Local Authorities and Councillors were asked to complete a consultation document.
- 1.2 The feedback from all Local Authorities and Councillors was taken and the subsequent report was published in January 2019. The report contained 15 areas of best practice which all Councils were to enact by June 2020. The Standards Committee were informed at their meeting in March 2019 that Trafford already met a number of these areas of best practice. An action plan laying out how the Council would meet all 15 areas of best practice by June 2020 was presented to the Committee in January 2020.

2.0 Areas of Best Practice.

- 2.1 Best practice 1 – 2 relate to the content Council's Code of Conduct and require that they include; prohibitions on bullying and harassment, a requirement that Councillors comply with any formal standards investigations, and prohibiting trivial or malicious allegations by Councillors. The Council's Code of Conduct has been updated to reflect these requirements which have been highlighted within Appendix 2. The wording for the prohibitions on bullying and harassment were adapted from the Standards Commission for Scotland's Advice for Councillors on Bullying and Harassment published in July 2018. The remaining wording comes directly from area of Best Practice 2.

- 2.2 Best Practice 3 lays out how Councils should review their Code of Conduct. Following the acceptance of the updates to the Council's Code of Conduct the revised version will be sent to interested community organisations, which includes Trafford's four Parish Councils, for feedback and will also be benchmarked against Geographical and statistical neighbouring authorities as is recommended under this direction.
- 2.3 Best Practice 5 requires authorities to update their gifts and hospitality register every 3 months. In order to achieve this it is proposed that Gifts and Hospitality is added as a standing item on Accounts and Audit Committee agendas. It is also proposed that the supporting governance officer email all councillors with a blank copy of the gifts and hospitality form asking them to complete the form. Appendix 3 is a draft of the email to go out to all councillors asking them to return a completed form or confirm that they have not received any gifts or hospitality in the relevant period. It is proposed that a report on the overall position will be provided on annual basis to the Accounts and Audit Committee meeting through the Annual Governance Statement.
- 2.4 Best Practice 6 requires Councils to publish a clear and straight forward public interest test for allegations. Appendix 4 is a two stage public interest test which has been adapted from the Local Government Ombudsman for Wales website. The test proposed addresses the issues that were highlighted by Committee Members and the Independent Person at the Committee meeting in January 2020. Following acceptance by the Committee the test will be published on the Council's website on the Member Complaints webpage.
- 2.5 Best Practice 9 requires councils to publish a decision notice as soon as possible once a formal investigation is completed and a decision is reached. Appendix 5 is the draft decision notice which has been adapted from the Council's Executive Decision notice. The draft has sections to gather all the information requested for inclusion by the Committee on Standards in Public Life.
- 2.6 When discussed in January 2020 the Committee expressed a number of concerns about publishing decision notices and how that could lead to the identification of Councillors who had been the subject of any complaint or Members of the Committee. No identifying information should be disclosed within the decision notice and the notice is to be sent to the Complainant and the subject Councillor for comment and to ensure they are in agreement that they cannot be identified from the wording of the proposed notice prior to it being published. Appendix 6 is a draft updated version of the Council's Members Complaints procedure which includes the requirement for the publication of the decision notice.
- 2.7 Best Practice 10 requires that councils have straightforward and accessible guidance on the Members Complaints Procedure published on their website including expected timescales. Appendix 7 is draft wording to go on the Council's website outlining the Members Complaints procedure. Appendix 8 is a draft process map for the Members Complaints Procedure. The draft wording and process map are based upon the Council's Members Complaints procedure within the Constitution.

- 2.8 Best Practice 11 and 12 relate to council's support of parish councils. As was discussed at the Standards Committee meeting in January 2020 the response to this area of best practice is to be developed in consultation with Trafford's four parishes. Emails have been sent to the Clerks and Members of all four parishes outlining the purpose of the meeting and providing a list of possible dates for meetings to take place. It is hoped that these meetings will be able to take place in early May so that any required changes to the Council's processes or Constitution can be submitted to Annual Council 27 May 2020.
- 2.9 Best Practice 14 requires Councils report on separate bodies they have set up within the Annual Governance Statement and that they ensure those bodies publish their board agendas, minutes, and annual reports in an accessible place. There are only four bodies that this applies to within Trafford and the Council's response to this will be picked up through the Annual Governance Statement process.
- 2.10 Best Practice 15 requires that Senior Officers meet regularly with political group leaders. While Senior Officers meet regularly with group leaders as part of their role there had not been any official scheduling of these meetings. In response to this area of best practice the Corporate Director of Governance and Community Strategy will now schedule quarterly meetings with each group leader starting in the 2020/21 municipal year.

3.0 Recommendations

- 3.1 The Standards Committee are asked to;
- a) To note the progress made so far and any outstanding actions.
 - b) To approve the 7 Documents appended to the report which adjust the Councils policies and procedures.
 - c) To agree the consequential amendments to the constitution and recommend them to Council for adoption.
 - d) To agree the process for Gifts and Hospitality and to recommend the process to the Accounts and Audits Committee for adoption.

DCLG Item of Best Practice	Area effected	Action Required	Action/s	Deadline	Completed?	Responsible Officer/Team
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.	Code of Conduct	Yes	Code of Conduct to be updated.	25 February 2020	Yes	Monitoring Officer
			Draft to be brought to Standards Committee for comment.	4 March 2020	Yes	
			Amendments made	11 March 2020		
			Revised version submitted to Council for approval	18 March 2020		
			For Code of Conduct to be a standing agenda item on March Standards Committee.	N/A		
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.	Code of Conduct	Yes	Code of Conduct to be updated.	25 February 2020	Yes	Monitoring Officer
			Draft to be brought to Standards Committee for comment.	4 March 2020	Yes	
			Amendments made	11 March 2020		
			Revised version submitted to full Council for approval	18 March 2020		
Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views	Code of Conduct	Yes	To review the Code of Conduct.	February 2020		Monitoring Officer
			To make a draft code with proposed changes.	25 February 2020		

of the public, community organisations and neighbouring authorities.			Draft to be brought to Standards Committee for Discussion.	4 March 2020	Yes	
			Revised version submitted to full Council for approval	18 March 2020		
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.	Code of conduct	No				
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.	Gifts and Hospitality	Yes	A proposal of how to adjust the gifts and hospitality registration process be brought to the Standards Committee.	4 March 2020	Yes	Monitoring Officer
			If process agreed proposal sent to Accounts and Audit for Agreement	24 March 2020		
			Governance team implement agreed process	ASAP		Governance Team

<p>Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	<p>Member Complaints Procedure</p>	<p>Yes</p>	<p>To develop a public interest test.</p>	<p>25 February 2020</p>	<p>Yes</p>	<p>Monitoring Officer</p>
			<p>Draft to be brought to Standards Committee for consideration.</p>	<p>4 March 2020</p>	<p>Yes</p>	
			<p>Amendments made</p>	<p>11 March 2020</p>		
			<p>Revised version submitted to Council for approval</p>	<p>18 March 2020</p>		
			<p>Agreed Test to be published on the Member complaint section of the website.</p>	<p>ASAP following agreement</p>		
<p>Best practice 7: Local authorities should have access to at least two Independent Persons.</p>	<p>Member Complaints Procedure</p>	<p>No</p>				
<p>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.</p>	<p>Member Complaints Procedure</p>	<p>No</p>				

<p>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.</p>	Member Complaints Procedure	Yes	Update Members complaints procedure to reflect best practice.	25 February 2020	Yes	
			Design Template for publishing Complaint's Decision Notice.	25 February 2020	Yes	
			Both draft documents submitted to Standards Committee for comment.	25 February 2020	Yes	
			Amendments Made	11 March 2020		
			Revised version submitted to Council for approval	18 March 2020		
<p>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.</p>	Member Complaints Procedure	Yes	To update the explanation of the process to include the allotted timescales for receipt and formal response.	25 February 2020	Yes	Monitoring Officer
			Draft wording to be considered and agreed by Standards Committee	4 March 2020	Yes	
			Agreed wording to be published on the website	ASAP following agreement		

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.	Parish Council Complaints	Yes	To arrange a meeting with Parish Council representatives to discuss their formal standards procedure.	March 2020	In Progress	Monitoring Officer
			To create a draft standards procedure to be agreed by the Parish Council.	June 2020		
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.	Parish Complaints	Yes	To arrange a meeting with Parish Council representatives to discuss the support that they would require from the monitoring officer.	March 2020	In Progress	Monitoring Officer
			To identify and book places on required training for the Monitoring Officer and Deputy Monitoring Officer.	June 20220		
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	Complaints procedure	No				

include asking the Monitoring Officer from a different authority to undertake the investigation.						
<p>Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their Annual Governance Statement (AGS), 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.</p>	AGS/ Partnerships and Communities	Yes	Identify all separate bodies set up or owned by the Council	April 2020	Yes	Corporate Director of Governance and Community Strategy
			Contact support services of each body to find out the TOR	April 2020		
			discuss how they are to be adjusted to align them with the Nolan principles and publishing requirements	April 2020		
			Identify support and resources required for Separate Bodies to comply	April 2020		
			Ensure that relevant information captured within the Council's AGS	May 2020		
<p>Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	Standards Issues	Yes	For a timetable of quarterly meetings in the 2020/21 municipal year to be agreed between the Council's monitoring officer and group leaders	June 2020	In Progress	Monitoring Officer

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CODE OF CONDUCT FOR MEMBERS

Preamble to Code of Conduct for Members

Trafford Council's current Code of Conduct for Members was adopted by the Council on **19th September 2012**. The Code sets out the conduct expected of Members of the Council, both elected and co-opted.

Underpinning the Code of Conduct are the seven principles set out in section 28(1) of the Localism Act 2011. These principles define the standards that members should uphold and serve as a reminder of the purpose of the Code of Conduct.

The General Principles

- **Selflessness**
- **Integrity**
- **Objectivity**
- **Accountability**
- **Openness**
- **Honesty**
- **Leadership**

THE CODE OF CONDUCT

Part 1 General provisions

1. Introduction and interpretation

- 1.1 This Code applies to you as a member of the Council.
- 1.2 It is your responsibility to comply with this Code. If you fail to do so it may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a disclosable pecuniary interest may result in a criminal conviction and a fine not exceeding level 5 on the standard scale and /or disqualification from office for a period of up to 5 years.
- 1.3 In this Code - “meeting” means any meeting of:
- (a) the Council;
 - (b) any of the Council’s committees or sub-committees, joint committees or joint sub-committees;
 - (c) the Executive or any committee of the Executive.
- 1.4 “Member” includes a co-opted member and an appointed member.

2. Scope

- 2.1 Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you are acting as a member or co-opted member of the Council or an appointed member of a joint committee, and, references to your official capacity are construed accordingly.
- 2.2 This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 2.3 Where you act as a representative of the Council—
- (a) on another relevant authority, including the Greater Manchester Combined Authority, the Greater Manchester Fire & Rescue Authority and the Greater Manchester Waste Disposal Authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

- 3.1 You must not:

- (a) do anything which may knowingly cause the Council to breach the Equality Act 2010;
- (b) be abusive to any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- (e) **raise trivial or malicious allegations against other Members of the Council.**

4. You must not harass anyone

4.1 Harassment is any unwelcome behaviour or conduct, with no legitimate workplace purpose, which makes someone feel offended, humiliated, intimidated, frightened and / or uncomfortable at work. Harassment can be experienced directly or indirectly (such as being in the room while unacceptable conduct is being displayed and being affected by it), and can occur as an isolated incident or as a course of persistent behaviour.

4.2 It is important to note that even unintentional behaviour can still be classed as harassment. Harassment is essentially about what the recipient deems to be offensive, not about what was intended. You should be aware, therefore, of the impact your conduct has on others and that what may seem harmless to you can be offensive to someone else.

4.3 Harassment can occur through verbal or written comments (including ones made online). The following list provides some examples but it is, by no means, exhaustive:

- Unwelcome physical contact such as touching or invading 'personal space';
- Inappropriate remarks or questioning such as comments about someone's appearance, lewd comments, and offensive jokes (such as ones of a racial, sexual or sectarian nature);
- Intrusive questioning, including the persistent discussion of a person's sexual practices, misogynistic behaviour, sexual orientation or religious beliefs (either directly or with others); and
- Sending unwelcome emails, messages or notes; circulating or displaying explicit or inappropriate images.

5. You must not bully anyone

5.1 Bullying is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined,

humiliated or insulted. Again, it is the impact of any behaviour rather than the intent which is the key.

5.2 Bullying usually arises as a result of an individual misusing their power (usually derived from status or some other position of strength) and, again, can occur through all means of communication. Bullying tends to be a pattern of behaviour or can be a one off serious incident that becomes objectionable or intimidating. The examples in the following list are, by no means, exhaustive:

- Unwelcome physical, verbal or non-verbal conduct;
- Intimidating behaviour including verbal abuse or the making of threats;
- Making someone's working life difficult;
- Disparaging, ridiculing or mocking comments and remarks;
- Physical violence; and
- Deliberately excluding an individual from conversations, work or social activities, in which they have a right or legitimate expectation to participate.

6. You must not:

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is:
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Council; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.

7. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

8. You:

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

- (b) must, when using or authorising the use by others of the resources of your authority:
 - (i) act in accordance with the Council's reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (d) must, in the event that a complaint or allegation has been raised against you, comply with any formal standards investigation as outlined in the "Arrangements for dealing with complaints about the Code of Conduct for members" within the constitution.

9.

(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by

- (a) The Council's chief finance officer; or
- (b) The Council's monitoring officer,

where that officer is acting pursuant to his or her personal statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 - Disclosable pecuniary interests

10. Notification of disclosable pecuniary interests

10.1 Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

[Note: Standing orders require existing members and co-opted members of the Council to notify the Monitoring Officer of disclosable pecuniary interests within 28 days of the adoption of the Code]

10.2 A 'disclosable pecuniary interest' is an interest of yourself or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.

10.3 "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.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the 12 month period prior to notification of the interest in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation Act) 1992 (a).
Contracts	Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the Council - (a) under which goods or services are to be provided or works are to be executed: and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of Trafford Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of Trafford Council for a month or longer.
Corporate Tenancies	Any tenancy where (to your knowledge) - (a) the landlord is the Council: and

Securities	<p>(b) the tenant is a body in which you or your partner has a beneficial interest.</p> <p>Any beneficial interest in securities of a body where -</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of Trafford Council; and</p> <p>(b) either -</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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10.4 For the purposes of the above

- (a) " a body in which you or your partner has a beneficial interest" means a firm in which you or your partner is a partner or a body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest.
- (b) "director" includes a member of the committee of management of an industrial and provident society.
- (c) "land" excludes an easement, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly) to occupy the land or receive income, and
- (d) "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.

11 Non participation in case of disclosable pecuniary interest

- 11.1 If you are present at a meeting [of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, or the executive or committee of the executive] and you have a disclosable

pecuniary interest in any matter to be considered or being considered at the meeting,

- You must not participate in any discussion of the matter at the meeting.
- You must not participate in any vote taken on the matter at the meeting.
- If the interest is not registered, you must disclose the interest to the meeting.
- If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

[Note: In addition, Standing Orders require you to leave the room where the meeting is held while any discussion or voting takes place, and in the case of a registered (as well as unregistered interest) to disclose it to the meeting].

11.2 Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

12 Offences

12.1 It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in a matter, taking any steps in relation to such a matter.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

- 12.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Part 3 - Other interests

13 Notification of personal interests

- 13.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of -

(a) this Code being adopted by or applied to the Council; or
(b) your election or appointment to office (where that is later),
notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the categories set out in paragraph 11(2) below for inclusion in the register of interests.

- 13.2 You have a personal interest in any business of your authority where it relates to or is likely to affect –

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

of which you are in a position of general control or management;

(c) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £100.

14 Disclosure of interests

- 14.1 Subject to paragraphs 12.4 to 12.7, where you have a personal interest described in paragraph 11.2 above or in paragraph 12.2 below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- 14.2 You also have a personal interest in any business of your authority where 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 a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward, affected by the decision;

14.3 In paragraph 12.2, a relevant person is –

- (a) a member of your family or any person with whom you have a close association; or
- (b) 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;
- (c) 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
- (d) any body of a type described in paragraph 11.2(a) or (b).

14.4 Where you have a personal interest in any business of the Council which relates to or is likely to affect a body described in paragraph 11.2(a) or 11.2(b)(i), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

14.5 Where you have a personal interest in any business of the Council of the type mentioned in paragraph 11.2(c), (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

14.6 Where you have a personal interest but, by virtue of paragraph 16, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

14.7 Where you have a personal interest in any business of your authority 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.

15 Non participation in case of prejudicial interest

15.1 Where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the 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 and where that business –

- (a) affects your financial position or the financial position of a person or body described in paragraph 12.3 ;or
- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 12.3.

15.2 Subject to paragraphs 13.3 and 13.4, where you have a prejudicial interest in any business of your authority—

- a) You must not participate in any discussion of the matter at the meeting.
- b) You must not participate in any vote taken on the matter at the meeting.
- c) If the interest is not registered, you must disclose the interest to the meeting.
- d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

[Note: In addition Standing Orders require you to leave the room where the meeting is held while any discussion or voting takes place].

- 15.3 Where you have a prejudicial interest in any business of the Council, you may attend a meeting 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 and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 15.4 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your authority in respect of—
- (a) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (b) 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; and
 - (c) any ceremonial honour given to members.
 - (d) housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
 - (e) an allowance, payment or indemnity given to members;
 - (f) setting council tax or a precept under the Local Government Finance Act 1992.
- 15.5 Where, as an executive member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

16 Interests arising in relation to overview and scrutiny committees

In any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of the authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken, you may attend the meeting of the overview and scrutiny committee for the purpose of explaining the reasons for the decision, or answering questions or giving evidence relating to the business, but you cannot participate otherwise in the discussion or in any vote on the matter.

Part 4 - General Matters relating to Parts 2 and 3

17 Register of interests

Subject to paragraph 16 any disclosable pecuniary interests or personal interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

18 Sensitive interests

This paragraph applies where you consider that disclosure of the details of a disclosable pecuniary interest or a personal interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees. In these circumstances, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

19 Dispensations

The Council may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a prejudicial interest.

Dear Councillor,

Please find attached a blank copy of the Council's declaration of gifts and hospitality form. In line with best practice as laid out by the Committee for Standards in Public Life, these forms are to be sent out to Councillors prior to each meeting of the Accounts and Audit Committee. The recorded gifts and hospitality received during each period will then be updated on the Council's website.

Can you please fill in and return the form if you have received any gifts or hospitality since your last declaration? If you have nothing to report can you please confirm this via email? If a response is not received from you by 12:00 on (insert date of next Audit Committee Meeting) it will be assumed that you have not received any gifts or hospitality during this period.

If you have any queries relating to this process do not hesitate to contact me.

Kind regards,

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The Model Code of Conduct (“the Code”) for Councillors sets out the high standards of behavior which the public expects from its elected representatives. The Members Complaints procedure allows Trafford residents the opportunity to inform the Council when they believe a Member has breached the Code.

The complaints procedure is crucial in achieving standards of conduct that meet public expectations. Through this process the Council aims to support proper decision making, the proper use of public resources, and to maintain public confidence in the Council and the democratic process itself. Undertaking investigations that do not support these wider benefits is not in the public interest.

The Council is of the view that our limited resources should not be used to investigate matters which are trivial or which have little or no impact upon the public. It is important that we focus our investigations on matters that are serious and are capable of undermining the relationship between councillors and the public they serve such as; corruption, bullying, damaging the Councils public Image, bringing the Council into disrepute, or the misuse of power in public office.

Where we are satisfied that a complaint is supported by direct evidence which, substantiated, would suggest that a breach may have taken place the public interest is considered in deciding whether a complaint against a Councillor can and should be investigated. We consider the public interest again during the course of an investigation to ensure that it should continue and when determining whether a matter should be referred to the Standards Committee (SC) or an Independent Investigator (II) for further consideration.

There is no widely accepted definition of public interest, but it has been described as “something which is of serious concern and benefit to the public“. The public interest therefore relates to something which has an impact on the public and is not merely a matter the public finds to be of interest or a matter that impacts solely on an individual (although an individual may be more directly impacted by the matter than the wider public).

The public in this context does not necessarily mean the entire population of Trafford. It may refer to a distinct section of the public such as a small community or interest group.

The published public interest factors we may take into account are set out below:

- The seriousness of the breach
- Whether the member deliberately sought personal gain for themselves or another person at the public expense
- Whether the circumstances of the breach are such that a member has misused a position of trust or authority and caused harm to another
- Whether the breach was motivated by any form of discrimination against the victim’s ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity

Considerations

When taking any of the above factors into account, relevant considerations can include the circumstances of the complaint; the extent to which the councillor was responsible for, or was to blame for, the alleged breach; whether the alleged conduct was premeditated and/or planned and whether the alleged conduct has caused harm or impacted on another person, group or body. Views expressed by the complainant, or any other person affected by the alleged conduct, relating to the impact and effect will also be considered. Other considerations may be:

- Whether there is evidence of previous similar behaviour on the part of the member
- Whether the Councillor has been the subject of any previous complaints or investigations, or been referred to the SC for a similar matter and if the alleged conduct ongoing, repeated or is there evidence of escalating behaviour
- Whether the investigation or referral to the SC or II is required to maintain public confidence in elected members in Trafford.
- Whether investigation or referral to a SC is a proportionate response.
- Whether it is likely that the breach would lead to a sanction being applied to the member and whether the use of resources in carrying out an investigation by an II or hearing by a SC would be regarded as excessive, when weighed against any likely sanction.

Public interest should not be decided on the basis of resource alone but this is a relevant consideration when making an overall assessment. A balanced view should be taken and consideration of the outcomes of previous cases considered by the SC will be helpful in achieving this.

The list is not exhaustive and not all factors will be relevant to every case

TRAFFORD BOROUGH COUNCIL

STATEMENT OF DECISION FOLLOWING FORMAL INVESTIGATION

<u>DATE OF DECISION</u>		<u>DECISION MAKER</u>
<u>DECISION REFERENCE</u>		

SUMMARY OF ALLEGATION/COMPLAINT

RELEVANT SECTION/S OF THE CODE OF CONDUCT

STATEMENT OF FACTS CONSIDERED

INDEPENDENT PERSONS VIEW

DECISION MAKERS DECISION AND REASONING

SANCTIONS, IF ANY, RESULTING FROM THE DECISION

PUBLICATION DATE

RECORDED BY:

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Arrangements for dealing with complaints about the Code of Conduct for members

1. Introduction

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

1.2 The person making the complaint will be referred to as “the complainant” and the person against whom the complaint is made will be referred to as the “subject member”.

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

2. Making a complaint

2.1 A complaint must be made in writing either by post or e-mail to the Monitoring Officer.

2.2 The Monitoring Officer will acknowledge receipt of the complaint within five working days of receiving it and, at the same time, write to the subject member (and in the case of a complaint about a parish or town councillor to the Clerk of the council also) with details of the allegations (subject to any representations from the complainant on confidentiality, which are accepted as valid by the Monitoring Officer). The subject member may, within five working days of receipt, make written representations to the Monitoring Officer which must be taken into account when deciding how the complaint should be dealt with. Representations received after this time may be taken into account, at the discretion of the Monitoring Officer, but will in any event not be considered after the Monitoring Officer has issued the initial assessment of the complaint.

3. Initial Assessment of Complaint

3.1 The Monitoring Officer will review the complaint and, following consultation with the Independent Person take a decision (initial assessment) as to whether it merits investigation, or another course of action. This decision will normally be taken within 20 working days of receipt of a complaint.

The complaint will be rejected if;

- The complaint is not against one or more named members or co-opted members of the council or a parish or town council within its district;
- The subject member was not in office at the time of the alleged conduct.
- The complaint, if proven, would not be a breach of the Code of Conduct under which the subject member was operating at the time of the alleged misconduct.

3.2 If the complaint has not been rejected on any of these grounds the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected;

- Whether a substantially similar allegation has previously been made by the complainant to Standards for England, or the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and
 - i. The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations and
 - ii. Whether in all the circumstances there is no overriding public benefit in carrying out an investigation.
- Whether the complaint appears to be malicious, vexatious, politically motivated or tit for tat;
- Whether the complaint suggests that there is a wider problem throughout the authority;
- Whether it is apparent that the subject of the allegation is relatively inexperienced as a member or has admitted making an error and the matter would not warrant a more serious sanction;
- Whether training or conciliation would be the appropriate response.

The Monitoring Officer will consult with the Independent Person and then give his/her decision on how the complaint will be dealt with. The Monitoring Officer may in exceptional circumstances refer the question of how to proceed to a sub-committee of the Standards Committee.

4. Additional Information

4.1 The Monitoring Officer may require additional information to come to a decision and may request information from the subject member. Where the complaint relates to a parish or town councillor, the Monitoring Officer may also inform the Clerk of the council of the complaint and seek the views of the Clerk

before deciding whether the complaint merits formal investigation or other action. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation.

4.2 Such informal resolution may involve the subject member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps. Where the subject member or the authority (in appropriate cases) makes a reasonable offer of local resolution, but it is rejected by the complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

4.3 If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the police or other prosecuting or regulatory authority, in addition to any action taken pursuant to the Code.

5. Confidentiality

5.1 If a complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the initial assessment stage.

5.2 As a matter of fairness and natural justice the subject member should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the complainant's identity if on request from the complainant, or otherwise, they are satisfied that the complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the complainant's identity being disclosed.

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

6. Investigation

6.1 The Monitoring Officer will appoint an investigating officer where a complaint merits formal investigation. The investigating officer may be a council officer, an officer from another council, or an external investigator.

6.2 The investigating officer will follow guidance issued by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost effective use of council resources and shall be interpreted in line with these principles.

6.3 The Investigating Officer will ensure that the subject member receives a copy of the complaint – subject to the Monitoring Officer decision on confidentiality.

6.4 At the end of their investigation, the investigating officer will produce a report and will send a copy of that report to the Monitoring Officer. The investigating officer may, before that, produce a draft report and send copies to the complainant and to the subject member, for comments. The investigating officer will take such comments into account before issuing their final report to the Monitoring Officer.

7. Investigating officer finding of no failure to comply with the Code of Conduct

7.1 Where the investigating officer's report finds that the subject member has not failed to comply with the Code of Conduct, the Monitoring Officer (in consultation with the Independent Person) will review the investigating officer's report and if satisfied, will confirm the finding of no failure to comply with the Code of Conduct.

7.2 The Monitoring Officer will write to the complainant and the subject member (and to the Clerk of the council, where the complaint relates to a parish or town councillor), with a copy of the decision and the investigating officer's report.

7.3 If the Monitoring Officer is not satisfied that the investigation has been conducted thoroughly, the investigating officer may be asked to reconsider the report and the conclusions.

8. Investigating officer finding of sufficient evidence of failure to comply with the Code of Conduct.

Where the investigating officer's report finds sufficient evidence that the subject member has failed to comply with the Code of Conduct, the Monitoring Officer will review the investigating officer's report and will then having consulted the Independent Person either send the matter for local hearing before the hearings panel or seek local resolution.

8.1 Local Resolution

If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing, they will consult with the Independent Person and the complainant and seek to agree a fair resolution. Such resolution may include the subject member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action. If the member accepts the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee (and the Clerk to the council if appropriate) for information, but will take no further action. If the complainant or the subject member refuses local resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a local hearing without further reference to the complainant or the subject member.

8.2 Local Hearing

Where, in the opinion of the Monitoring Officer, local resolution is not appropriate or the complainant and/or subject member refuses to co-operate, then the Monitoring Officer will report the investigating officer's findings to the hearing panel which will

conduct a local hearing before deciding whether the subject member has failed to comply with a Code of Conduct and, if so, what action (if any) to take in respect of the subject member.

The Council has agreed a procedure for local hearings which is attached as Annex 1 below.

9. Constitution of the Hearing Panel

The Hearing Panel is a sub-committee of the council's Standards Committee. The Council has decided that it will comprise of at least one of the independent Members co-opted to the Standards Committee and three members of the council drawn from at least two different political parties. Where the complaint is about a parish or town council member, the hearing panel will endeavour to include at least one of the parish or town council members co-opted to the Standards Committee.

The Independent Person is invited to attend all meetings of the Hearing Panel and their views must be sought and taken into consideration before it takes any decision on whether the subject member's conduct constitutes a failure to comply with the code of conduct and as to any action to be taken following a finding of failure to comply with the code.

The quorum for the Hearing Panel will be two voting members.

10. The Independent Person

The Independent Person must be a person who is eligible under the Localism Act 2011 to be appointed, has applied for the post following advertisements of a vacancy for the post, and has been appointed by a positive vote from a majority of all the members of the council at a meeting of the full Council.

11. Action

Where a Hearing Panel find that a subject member has failed to comply with the code of conduct, the Council has delegated to the Standards Committee and the Standards Committee has delegated to the Hearing Panel such of its powers to take action in respect of subject members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Hearing Panel may –

- Publish its findings in respect of the subject member's conduct;
- Report its findings to Council (or to the parish or town council) for information;
- Recommend to Council that the subject member be censured;
- Recommend to the subject member's group leader (or in the case of ungrouped members) recommend to Council) that he/she be removed from any or all committees or sub committees of the council;

- Recommend to the Leader of the Council that the subject member be removed from the Executive, or removed from their portfolio responsibilities;
- Instruct the Monitoring Officer to (or recommend that the parish or town council) arrange training for the subject member;
- Recommend to Council (or recommend to the parish or town council) that the subject member be removed from all outside bodies, appointments to which they have been appointed or nominated by their council;
- Withdraw (or recommend to the parish or town council that it withdraws) facilities provided to the subject member by the council such as a computer, website and/or e-mail and internet access); or
- Placing such restrictions on the subject members access to staff which may be reasonable in the circumstances

12. Withdrawal of a Complaint

In the event that a complainant withdraws a complaint at any time prior to a decision having been made by a Hearings Panel, the Monitoring Officer may, following consultation with the Independent Person, decide that no further steps be taken in respect of that complaint but shall, in taking such a decision take into account any issues which may arise under Paragraph 3.1(c) of the Code of Conduct.

13. Revision of these Arrangements

The Council may by resolution or delegation to the Monitoring Officer agree to amend these arrangements and has delegated to the Chair of the Hearing Panel the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the efficient, effective and fair consideration of any matters.

14. Appeals

Subject to judicial review or a decision of a Local Government Ombudsman, there is no right of appeal against the decision of a Monitoring Officer or of the hearing panel.

15. Publication of Decision Notice

Following the completion of an investigation culminating in a decision from the Monitoring Officer or hearing panel a decision notice shall be published on the Council's website. Notification of the decision and a draft decision notice is to be sent to the Complainant and the Subject Councillor within 5 working days of the decision being made for comment and to propose amendments. Following consideration of comments and proposed amendments by the Complainant and Subject Councillor the final decision notice will be signed off by either the Monitoring Officer or the Chair of the hearing panel and published no later than 10 working days after a decision is reached. The decision notice will include;

- the date of the decision,
- the decision maker,
- a summary of the complaint,
- the relevant sections of the code of conduct,
- a statement of the facts considered,
- the independent persons view,
- the decision makers decision and reasoning,
- sanction, if any, resulting from the decision

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Councillor complaints

Breaches of the Member Code of Conduct complaints procedure

Members of the Council, and of Parish / Town Councils, are required to follow a statutory [Code of Conduct](#). If you feel that a member has acted in breach of this Code, you may submit a complaint. The Monitoring Officer has the responsibility for considering complaints, conducting investigations, and making reports to the Council's Standards Committee where a complaint is made against a Councillor.

Anyone who believes that a member of the Council may have breached the Code of Conduct can make a complaint to the Monitoring Officer via Governance Services (see below). Each complaint will be assessed by the Monitoring Officer to establish whether it falls within the Standards Committee's jurisdiction. A decision will be made on whether any action should be taken either by way of investigation or alternative measure. If such action is taken it does not mean that the Monitoring Officer has reached a conclusion about the allegation, it means they have concluded that the alleged conduct, if proven, may amount to a failure to comply with the Code of Conduct.

The only types of complaint within the Standards Committee's Jurisdiction are those which involve an alleged breach of the Code of Conduct which include where a member has:

- Caused the Council to breach any of the equality enactments, bullied or failed to treat people with respect, or done something to prevent those who work for the authority from being unbiased;
- Intimidated any person involved in any investigation or proceedings about a member's alleged misconduct;
- Revealed information that was given to them in confidence, or stopped someone getting information that they are entitled to by law;
- Damaged the reputation of their office or authority bringing their office or the council into disrepute;
- Used their position improperly, to their own or someone's else's advantage or disadvantage;
- Misused the authority's resources including using them improperly for political purposes;
- Failed to register financial or other interests;
- Failed to follow the rules relating to disclosure of a personal interest at a meeting;
- Taken part in a meeting or made a decision where they have an interest that is so significant that it is likely to affect their judgement (a "prejudicial interest");
- Improperly influencing a decision about a matter that they have a prejudicial interest in

How Submit a Complaint

If you believe that the Code of Conduct has been breached and you want to complain about the conduct of a member of Trafford Council or a member of one of our parish or town councils, you must submit a complaint in writing. This can be done via hand written submission through the post (see the address below) or by email to member.complaints@trafford.gov.uk. For clarity and to ensure that your complaint will be handled in the quickest and most efficient manner it is advised that you use the [Members Code of Conduct Complaint Form](#) as a template for your submission.

Hand written complaints should be returned to:

Members Complaints
Governance Services
Trafford Town Hall
Talbot Road
Stretford
M32 0TH

Please mark the envelope "Confidential"

Complaints submitted through email should be sent to:

member.complaints@trafford.gov.uk

All submissions to the Members Complaints inbox shall be treated as confidential.

Please note that your identity and details of your complaint will normally be disclosed to the subject matter. This information will only be withheld in exceptional circumstances and at the discretion of the Standards Committee. If you consider that the information should be withheld, please indicate the reason(s) on the form.

How Your Complaint Will Be Processed

An acknowledgement of receipt of a complaint will be sent within five working days of receiving it. Following receipt the Monitoring Officer will review the complaint and, following consultation with the Independent Person, take a decision (initial assessment) as to whether it merits investigation, or another course of action. This decision will normally be taken within 20 working days of receipt of a complaint.

The complaint will be rejected if;

- The complaint is not against one or more named members or co-opted members of the council or a parish or town council within its district;
- The subject member was not in office at the time of the alleged conduct.
- The complaint, if proven, would not be a breach of the Code of Conduct under which the subject member was operating at the time of the alleged misconduct.

If the complaint has not been rejected on any of these grounds the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected;

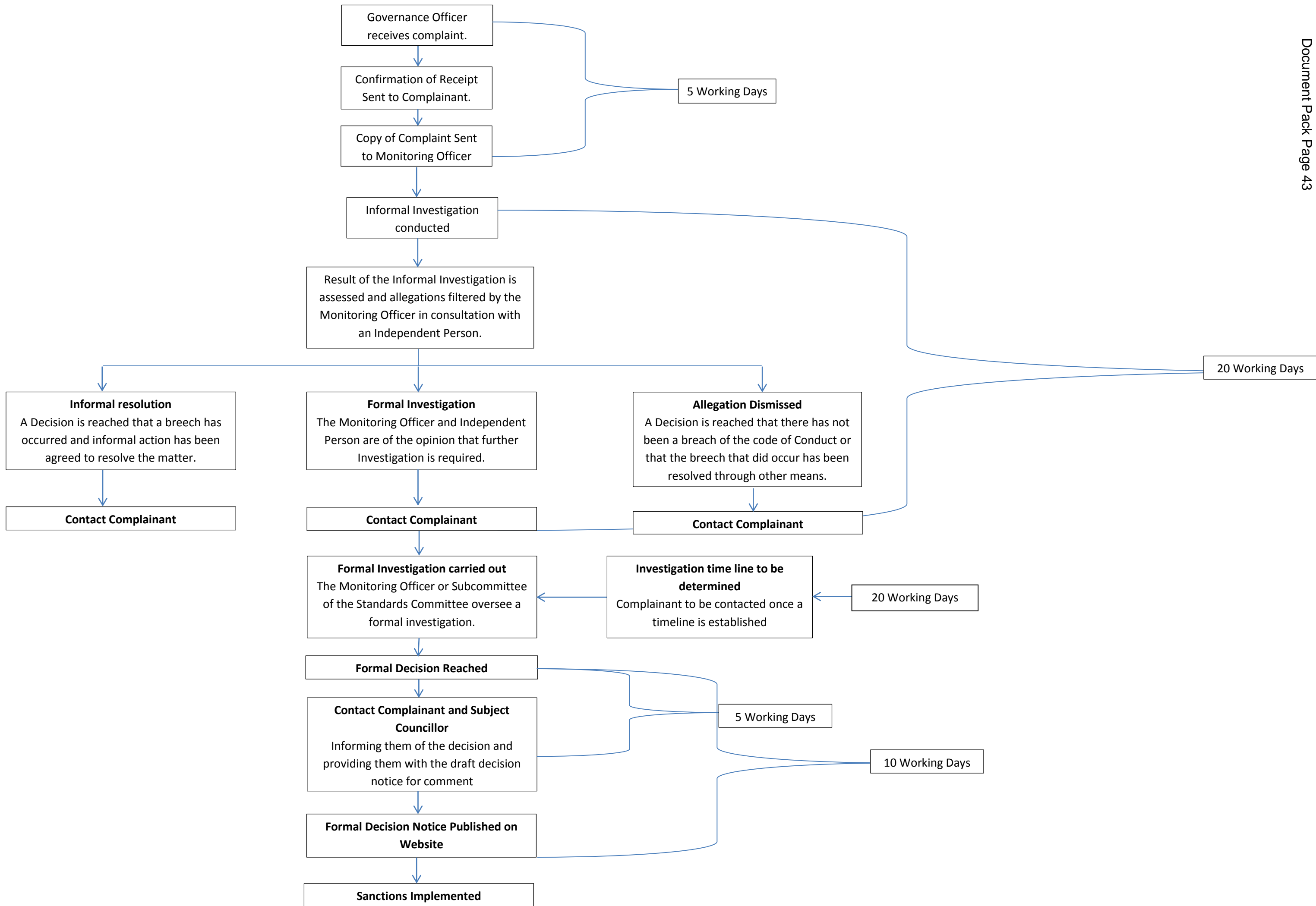
- Whether a substantially similar allegation has previously been made by the complainant to Standards for England, or the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and
 - i. The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations and
 - ii. Whether in all the circumstances there is no overriding public benefit in carrying out an investigation.
- Whether the complaint appears to be malicious, vexatious, politically motivated or tit for tat;
- Whether the complaint suggests that there is a wider problem throughout the authority;
- Whether it is apparent that the subject of the allegation is relatively inexperienced as a member or has admitted making an error and the matter would not warrant a more serious sanction;
- Whether training or conciliation would be the appropriate response.

The Monitoring Officer will consult with the Independent Person and then give his/her decision on how the complaint will be dealt with. The Monitoring Officer may in exceptional circumstances refer the question of how to proceed to a sub-committee of the Standards Committee.

About the Standards Committee

The [Standards Committee](#) is responsible for promoting and maintaining high standards of conduct by members of the Council. This responsibility extends to members of the parish and town councils in Trafford. The Standards Committee's Membership includes a number of Independent Members who have no affiliation with the Council.

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TRAFFORD COUNCIL

Report to: Standards Committee
Date: 04 March 2020
Report for: Information
Report of: Corporate Director of Governance & Community Strategy

Report Title

Civility in Public Life a LGA Project

Summary

In September 2019 the attached report (Appendix 1) was submitted to the Local Government Associations Board for consideration. The report laid out a work programme for a project to be undertaken by the LGA looking at Civility in Public Life. The report also linked the work on reviewing the model code of conduct for local authorities in line with the LGA's response to the recommendations made by the Committee on Standards in Public Life to the work on civility in public life. This report asks the Standards Committee to note how the LGA are looking to address concerns raised by their members around intimidation of those in public office and in relation to the standards of public political discourse and debate. This report also asks the Standards Committee to note the LGA's timeline for creating a new model Code of Conduct and decide what, if any, involvement Trafford Council should have in this process.

Recommendations

The Standards Committee are asked to note the report

Contact person for access to background papers and further information:

Name: Alexander Murray
Extension: 4250

Background Papers: None

Implications

Relationship to Policy Framework/Corporate Priorities	None at this time
Financial	None
Legal Implications:	None
Equality/Diversity Implications	None
Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	None
Risk Management Implications	None at this time
Health and Safety Implications	None

1.0 Background

1.1 The Standards Committee has raised concerns around the level of intimidation that Councillors in Trafford face on a number of occasions. Trafford has taken a number of actions in response to this including issuing guidance and arranging Training for Members.

2.0 LGA Report - Civility in Public Life – Project Proposal.

2.1 The attached report (Appendix 1) comes from the LGA’s Board meeting 11 September 2019. It shows that the issues seen within Trafford are part of a wider pattern of behaviour nationally. The report has two sections which look at different ways that the LGA is looking to tackle these issues.

2.2 The first section discusses the LGA’s proposed project called Civility in Public Life. The report lays out the purpose, objectives, scope, leadership, opportunities and risks, and the components of the proposed programme of work. The proposed project will take a wide approach involving a number of partners and stakeholders however, a plan for engagement has not yet been made available. The parts of the project which are likely to be of most interest to the Standards Committee are:

- Improving support and guidance for member authorities, building on existing improvement and leadership programmes and the guide for councillors on handling intimidation
- The development of policy and legislative proposals with partners, government and stakeholders that address intimidation and standards of public discourse, particularly with a view to gaining a more consistent and robust response from the police and Crown Prosecution Service (CPS). This includes the proposal for a new criminal offence for intimidating a person in public office and engagement with Police Crime Commissioners (PCCs).
- Exploring the potential for an informal council ‘duty of care’ towards its councillors as good practice.
- A revision of the local government model code of conduct with a view to promoting it as standard for all in public office.

2.3 The LGA’s work in this regard is ongoing and a further report and update about this project will be brought to the Committee in due course.

2.4 The second section of the report focuses upon the creation of a new model code of conduct in response to recommendations made by the Committee on Standards in Public Life. The LGA have identified that this work aligns well with the Civility in Public Life project and so have added it as a work stream within the project. The report lays out why the LGA are conducting the review, how the review is to be conducted, who will be involved in the review, how the renewed model code of conduct will be agreed, and how consensus on adoption of the renewed model code of conduct will be developed. The section also presents the outline timetable for completion below:

- September 2019 – discussion with Leadership Board
- October 2019 – research begins
- November/December 2019 – research and engagement with stakeholders and councils including LGA workshop
- January 2020 – creating of proposal draft code and discussion with Leadership Board on 22 January
- February/March/April 2020 – consultation with member authorities and stakeholders
- May 2020 - bringing together draft code
- June 2020 – draft code to Leadership Board on 3 June for final discussion and approval
- July 2020 – final code launched at LGA General Assembly

2.5 Consultation with member authorities is to be conducted in February, March, or April 2020 but no dates have been confirmed. There will be an opportunity for Standards Committee to consider the proposals and to make a formal submission as part of the consultation process, should it wish to do so.

3.0 Recommendations

3.1 The Standards Committee are asked to note the report.

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Civility in public life – project proposal

Purpose of report

For direction.

Summary

- This report sets out a proposed programme of work entitled 'civility in public life' to address the concerns raised by our membership around intimidation of those in public office and also the concerns about the standards of public and political discourse and debate.
- Leadership Board are asked to provide comment on the paper and its proposals.
- Officers are looking for a steer on:
 - the objectives of the programme
 - the elements of the programme and their delivery

Recommendation/s

- That the work programme is endorsed and adopted

Action/s

- Officers will modify the work programme as directed and once agreed
- Officers will deliver the agreed work programme

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Civility in public life – project proposal

Introduction

1. Members of the LGA, WLGA, COSLA and NI have all expressed concerns about the increasing intimidation of councillors, the increasing toxicity of debate and the impact on the democracy of our country, particularly on the decision-making processes that affects our local communities. There are calls for the LGA to coordinate a programme of work, and it is proposed that the LGA takes this on through a programme of work entitled 'Civility in Public Life'. This paper sets out a number of initial outline proposals.
2. So far, the LGA has:
 - Developed a toolkit for enabling women, carers and parents to become councillors, which addresses some of the above issues.
 - Launched a guide for councillors on handling intimidation
 - Discussed the issue at Leadership Board
 - Issues an informal call for evidence through the political groups
 - Submitted evidence to parliamentary debates
 - Held sessions at the 2019 LGA annual conference

Background

1. One of the most pressing concerns facing the conduct of public life at the moment is the increasing incidents of intimidation and abuse by members of the public against councillors. These attacks risk the personal safety of our members, undermine local democracy and decision-making, and can put off prospective candidates from standing. Intimidation and physical threats of violence against councillors are a real and growing concern in every area of the country. Whilst debate and having different views is all part of a healthy democracy; abuse, public intimidation and threats are designed to undermine democratic decision making by generating fear in those who represent it.
2. Intimidation, abuse and harassment of councillors is a crime, as it would be towards any member of the public. However, reports from LGA members indicate that there is not a consistent response from the police across the country and that there is confusion about reporting, support, the legislation, and the broader impacts for our society and democracy.
3. We need a wider discussion with our citizens on how they involve themselves in public debate. We collectively need to be clear that abuse, harassment, intimidation and violence is not the way for anyone to engage in modern-day politics.
4. Concern has also been raised about incidents of intimidation within councils, involving councillors as well as officers. If we expecting decent standards of behaviour from



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members of the public when they engage with councillors, then good standards of behaviour need to be modelled within the council.

Purpose

5. The purpose of the programme is:
 - To address the intimidation of local government members and officers
 - To address standards of public discourse
 - To address standards of political discourse and behaviour in public office
 - To provide support and advice to councils and councillors

Objectives

6. The LGA's objectives in embarking on this programme of work are:
 - 6.1. To articulate what local government believes are good standards for anyone engaging in public and political discourse and debate, and what is needed to achieve these standards.
 - 6.2. To show leadership at a local, national, UK-wide and international level in good standards of political debate, engagement and decision-making, demonstrating the positive impact it can have.
 - 6.3. To understand the scale and impact of intimidation and abuse behaviour our membership is experiencing.
 - 6.4. To challenge the 'new-norms' of intimidation, abuse, threats and aggressive behaviour by many engaging in political and public discourse.
 - 6.5. To demonstrate the impact that intimidation and abusive behaviour in our political system and from the general public has on our democratic system, and recommendations for achieving positive debate and public engagement in local decision-making.
 - 6.6. To support its member councils in addressing intimidation and abuse.
 - 6.7. To enhance the reputation of local government and local politicians, and encourage more people to become councillors by addressing the issues of intimidation and abuse.
 - 6.8. To support all democratically elected local representatives in delivering their best on behalf of their local communities.
 - 6.9. To build on the good practice that already exists within member councils.



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Scope

7. It is proposed that the scope of this work encompasses local government members and officers, given the increasing reports that those both elected and employed in public office are experiencing intimidation and abuse due to their public-facing roles. As such, it is proposed that the LGA engages with member-led partner organisations as well as officer-led partners organisations such as SOLACE and Lawyers in Local Government.
8. It is also proposed that the LGA works with its counterparts in Wales, Scotland and Northern Ireland, as members of the WLGA, COSLA and NILGA have expressed similar concerns to members of the LGA. This provides the opportunity for a powerful message that local government does not accept that its councillors or staff should accept intimidation and abuse because of their roles in public life, which it is undermining our democratic structures and public services, and that national action is urgently required.

LGA Leadership

9. The LGA is in a position to provide leadership through:
 - Engaging in positive political discourse
 - Challenging poor political discourse
 - The application of consistent and high standards for all public office
 - Emphasising the benefits of becoming a councillor, encouraging prospective candidates to stand for public office and encouraging a diversity in candidates
 - Demonstrating the positive outcomes that can be achieved through civil and respectful debate, discussion and decision-making within and between political parties
 - Accepting and promoting a council duty of care for the wellbeing, safety and security of councillors
 - Facilitating a pan-UK local government response

Opportunities and risks

10. Undertaking this programme of work offers the LGA the opportunity to demonstrate leadership; to central government, to local government and to the public, on standards in public debate and engagement. It also provides the opportunity for the LGA to respond to concerns raised by our membership, our UK colleagues in Wales, Scotland and Northern Ireland, as well as central government.



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11. There are increasing opportunities for the LGA to engage and promote our messages with partners and stakeholders in addressing issues of public discourse and intimidation. The Committee on Standards in Public Life has undertaken research in this area and reported a number of recommendations and the Cabinet Office has now developed a 'defending democracy' work programme. Parliament has debated the toxicity of debate in the House of Lords and the House of Commons, and the APPG on Women in Parliament is specifically addressing the issue of intimidation and threats against politicians. The Jo Cox Foundation is working with the political parties on a joint approach to tackling intimidation, and the LGA has approached them to work at the local level as well as the national level.
12. There is also the opportunity to utilise the potential within the review of the member model code of conduct to address issues of public intimidation, care and support of councillors, and the promotion of good standards of political and public debate for all those in public office.
13. However, there is a risk that the LGA will receive criticism from those who feel their political culture is being threatened. In addition, addressing issues of intimidation, especially on social media, and raising the profile of the LGA as leaders in this area may draw the attention of the people who undertake such activity. The LGA will need to acknowledge this risk, determine if it is willing to draw the attention of those who post abuse on social media sites and apply appropriate safeguards. The nature of any public-facing communication will need to be carefully considered.

Components of the proposed programme of work

14. It is proposed that the LGA focuses on three elements – prevention, support and challenge:

Prevention

- 14.1. Improvement support and guidance for our member authorities, building on our existing improvement and leadership programmes and the guide for councillors on handling intimidation
- 14.2. Desktop research into the prevalence, impact, good practice and international action on the intimidation of those in public office.

Support and intervention

- 14.3. The development of policy and legislative proposals with partners, government and stakeholders that address intimidation and standards of public discourse, particularly with a view to gaining a more consistent and robust response from the police and Crown Prosecution Service (CPS). This includes the proposal



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for a new criminal offence for intimidating a person in public office and engagement with Police Crime Commissioners (PCCs).

- 14.4. Exploring the potential for an informal council 'duty of care' towards its councillors as good practice.
- 14.5. A revision of the local government model code of conduct (appendix 1) with a view to promoting it as standard for all in public office.

Challenge

- 14.6. The development of a pan-UK commitment and public statement for discussion at the UK Forum for the leaders of all the UK local government associations taking place in November 2019.
- 14.7. Exploring opportunities for a public and political-facing campaign.

Oversight

- 15. It is proposed that a small member-led steering group oversees the civility in public life work programme to provide ongoing insight and commentary and where operational decisions can be made. Significant decisions and updates will be brought back to Leadership Board. It is proposed that this group consists of one nominated representative from each of the political groups.

Prevention - improvement and support

- 16. There is the opportunity, through the LGA's existing improvement and support programme for councillors, to include issues relating to intimidation and standards of public and political discourse.
- 17. This could be extended to include more specific support and training for members around safety, security and utilisation of social media. We have had reports of members being advised to come off social media if they are experiencing intimidation and abuse, but social media is an increasingly important and relevant way of engaging residents, voters and the general public on important issues. The focus should be on empowering members to be savvy on social media and creating a safe and positive online environment rather than restricting the ability of councillors to engage in this important form of communication. This will also link across the policy work stream.
- 18. This support could include a statement for websites and social media indicating the standards of communication expected and the consequences should engagement fall short. This has been adopted by some MPs, including Harriet Harmon, as well as the Royal Family.



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Prevention - research

19. It would be useful, in terms of supporting our messages and providing support to our members, to improve our understanding of the experiences our councillors are having and the impact on both them as individuals and on our democratic systems. The sessions at the LGA Annual Conference in July 2019 revealed a worrying level and intensity of intimidation and abuse, with experiences shared by both newly appointed councillors as well as long serving councillors; from both men and women, from across backgrounds, cultures and political party.
20. It would also be useful to establish more examples of good practice from our member councils, and also across the UK and in other countries.

Support and intervention - policy development and stakeholder engagement

21. The Cabinet Office has recently consulted on changes to electoral law so that individuals who intimidate candidates during a local election would lose their right to stand for election. The same consultation also highlighted that there is existing legislation that should apply to incidents of intimidation. However, evidence from our members indicate that there is a varied approach being applied by police across the country. Statements such as being 'fair game' for abuse, for it 'not being in the public interest' to prosecute and that it is acceptable for individuals to be abusive to those who take on public office is undermining the ability of our local councillors to carry out their public duties and feel protected.
22. As such, the LGA will develop further proposals, including exploring the potential for an offence in criminal law for intimidating a person in public office. This would extend the offence currently proposed by Government within electoral law that simply restricts a person from standing for election as a penalty for intimidating a candidate. Addressing these issues would be a priority for the work programme.
23. The Cabinet Office has developed a 'defending democracy' programme and the Home Office is also exploring the issue of intimidation on social media. Government has also recently consulted on an 'online harms' white paper which seeks to address online intimidation and the Jo Cox Foundation is working across government on a joint approach to tackling intimidation. It will be important that the experiences and views of local politicians is also considered in this work.
24. Another issue that has been raised by councils is the cost associated with increased security for members. Whilst national politicians receive funding from parliament for their personal security, and can have security advisers to review their household arrangements, there are no such provisions for local politicians, many of whom will have a similar profile or levels of engagement with the general public. In some cases the



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police have paid for security arrangements, and in others the council has paid, but the landscape is not clear. The issue of responsibility and funding for personal safety and security also needs to be addressed and clarified.

25. It is proposed that the LGA convene a working group to help develop proposals around addressing the intimidation of councillors, and all those in public office. This would include stakeholders such as MHCLG, the Home Office, PCCs, SOLACE, Lawyers in Local Government, SOLACE, etc.

Support and intervention - exploring an informal council 'duty of care' for councillors

26. Alongside confusion about paying for personal safety and security, there has been confusion about the degree of support councils should and can give their councillors in instances of intimidation and abuse, particularly as they are not employees and as such don't fall within employment law – and whether the provision of support crosses the line into political interference. Some councils do open up their employee support packages to members, and others do not, and there will be a cost implication for councils.
27. The WLGA has had a conversation with its members regarding this issue and they have informally agreed to provide support to their members alongside the support they give to their employees.
28. Discussions with members has resulted in the proposal for an informal 'duty of care' that councils could adopt to make clear the support they can and will give their members, and to encourage such provision of support.
29. Endorsing an informal duty of care would require:
- A clear commitment from the LGA that they support an informal 'duty of care' to councillors as good practice.
 - Engagement with the sector regarding the implications of such an approach.
 - A recognition that there may be a cost implication and engagement with the sector on this.
 - Engagement with representative organisations such as SOLACE and Lawyers in Local Government to better understand the implications and gain support.
 - The provision of guidance to help councils differentiate between political intervention and the provision of support to councils who may be experiencing intimidation.

Support and intervention - a revision of the member model code of conduct

30. Please see section 2 on reviewing the model code of conduct for more detailed proposals.



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Challenge - pan-UK local government initiative

31. The UK Forum for the leaders of all the UK local government associations taking place in November 2019 provides the opportunity to develop and launch a powerful message that local government does not accept that its councillors or staff should accept intimidation and abuse because of their roles in public life, which it is undermining our democratic structures and public services, and that national action is urgently required. This could be in the form of a commitment and/or public statement.
32. We could then encourage other organisations and representative groups to support the public statement.

Challenge - a public and political facing campaign

33. The LGA could explore the appetite and opportunity for public-facing media-based resources to help councils communicate the best ways to engage with councils and councillors. For example, short videos to encourage people to think about how best to communicate their issues to councils rather than, for example, sending abusive communications via twitter.
34. The LGA could also promote its messages around good standards in political discourse and local impact of intimidation of councillors, any joint pan-UK statement and its revised model code of conduct to national politicians and political parties.

Section 2 - Civility in Public Life - the review of the model code of conduct

Why is the model code of conduct being reviewed?

35. The LGA is undertaking a review of the member model code of conduct in response to the recommendations made by the Committee on Standards in Public Life, but also in response to rising local government concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement.
36. The LGA aims to develop a code that benchmarks a standard for all public office and for those engaged in public discourse and debate. It will set out the duties and expectations of persons in public office as well as their rights, particularly their right to be protected from abuse and intimidation resulting from their undertaking of public office.
37. The LGA's objectives in reviewing the model code of conduct are to:
 - Articulate what local government believes are good standards for all in public office

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- Show leadership in good standards of conduct for those in public office, both elected and as employees
- Achieve consensus between the stakeholders affected by local government conduct
- Support its member councils and partners in achieving good standards of conduct
- Produce a code that is fit for purpose, useful and held in high regard
- Enhance the reputation of local government and local politicians
- Support the good running of councils
- Support all democratically elected local representatives to deliver their best on behalf of their local communities
- Build on the good practice that already exists within member councils

Why the LGA?

38. The LGA is well placed to lead on the review and renewal of the model code of conduct because, as set out in the articles of association of the Local Government Association, the LGA's objects are:

- to support, promote and improve local government in England and Wales
- to represent, wherever possible by consensus, the interests of Member Authorities to national governments, to Parliament, to political parties, to European and other international institutions and to other bodies, and to negotiate on behalf of local government
- to formulate policies to support the improvement and development of local governance, effective management in local authorities and the enhancement of local democracy in England, Wales and elsewhere
- to provide forums for discussion of matters of common interest and/or concern to Member Authorities, including groups of Member Authorities, and a means by which **joint views may be formulated and expressed**
- to endeavour to give democratically elected local representatives from different political groups the opportunity to contribute to the Association's work and to the development of policies which represent, as far as possible, **consensus between the political groups and between groups of Member Authorities**
- to support all democratically elected local representatives of Member Authorities

39. The LGA also has the responsibility to speak for all Member Authorities in matters of local government in general or which concern all Member Authorities.

40. In this way, the LGA is well placed to bring together the different stakeholders under the umbrella of local government to achieve understanding and consensus, which will be vital for the adoption and success of any reviewed and renewed code of conduct. It will be important to understand, respect and bring together the range of views on the code of conduct if it is to be successful.

How will the LGA review the model code of conduct?



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41. The LGA aims to work collaboratively with a range of officer and member stakeholders in a spirit of co-production. As such, the LGA will engage with the representative organisations set out in section 4 and also with officers and members across the country.
42. The LGA is using the existing model code of conduct (Appendix 1) as baseline and seeking to achieve the objectives set out in section 43 of this paper.
43. The LGA will gather evidence and opinion on what is needed in an updated and fit-for-purpose code, including considering the review into local government ethical standards undertaken by the Committee on Standards in Public Life and the evidence submitted to the review. The LGA will research the existing local bespoke codes currently used by councils across the country and will work with elected members and officers to consider and evaluate good practice.
44. The LGA will seek to identify good practice codes from the range of tiers of government, other sectors, and organisations that address important issues for local government and public office.
45. The LGA will hold a workshop with members, officers and representative organisations during this period as part of the broader LGA Civility in Politics work. This workshop will also present an opportunity for an exchange of ideas, developing an understanding of the different stakeholders' views with the aim of co-production, collaboration and consensus.
46. From this exercise a collection of suggested propositions for inclusion in the final model code will be presented to the LGA Leadership Board. Following the outcome of the Leadership Board consideration, a draft model code will be prepared for consultation.
47. The form of consultation will need further discussion and will be determined by how the model code develops. The LGA will use its existing methods of research, communication and engagement with its membership, partners and stakeholders. This could include conferences, round tables, regional meetings, online forums, etc, with the aim of achieving as wide a sector engagement as is possible.
48. It is proposed that the consultation period should be a minimum of 8 weeks.
49. The outcome of the consultation and a draft final model code will be presented to the LGA Leadership Board for final discussion and approval. It is recommended that Leadership Board put forward the final model code, as part of its broader work on Civility in Politics, to the LGA General Assembly, held at the LGA annual conference in July, for adoption.

Who will the LGA work with to review the model code of conduct?

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50. It will be important, if the review of the model code of conduct is going to result in a consensus about good standards in public office and the generation of a code that members and officers consider attainable and workable, that organisations that represent smaller family groupings within local government form part of the creation, adoption and promotion of the code, in a spirit of co-production. As such, the LGA will seek to engage with:

- The National Association of Local Councils (NALC)
- County Council's Network (CCN)
- District Council's Network (DCN)
- SOLACE
- Lawyers in Local Government
- Association of Democratic Services Officers
- Society of Local Councils Clerks
- Monitoring Officers Network

51. The LGA will also seek the views of MHCLG, the Home Office and the Committee on Standards in Public Life.

How will a final renewed code of conduct be agreed?

52. The structures of the LGA mean that the final sign-off of the code on behalf of the LGA and its member authorities will be the responsibility of the LGA's Board of Directors / Leadership Board, which they will do on behalf of all member authorities in local government. The LGA will also seek, in a spirit of consensus and collaboration, for NALC, CCN, DCN, SOLACE, Lawyers in Local Government, the Association of Democratic Services Officers, the Society of Local Councils Clerks, Monitoring Officers Network, and MHCLG to also endorse the revised model code of conduct. It is also proposed to take the updated model code of conduct to LGA General Assembly at the July 2020 annual conference.

53. The LGA's work on the model code of conduct will provide an opportunity for the LGA to review its own procedures.

Developing consensus in the development and adoption of a renewed model code of conduct

54. For the model code of conduct to have traction with the sector, it will need to address the expectations, views, opinions and experiences of members and officers, recognise the value of good political discourse and how trust in local government is affected by conduct. The LGA's organisational structures mean that agreement is on behalf of local government, rather than a single interest group within the local government structure and family.



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55. Members at the LGA have expressed their view that, as individuals whose behaviour is being modelled in the code of conduct, it is essential that they oversee and are fully involved in its development and can sign up to it. The LGA has championed the value of peer-to-peer review and support, and we will embrace those principles in the review of the code. It is in the interests of the LGA and all elected members that the office of local councillor is imbued with trust and a high degree of ethics so that their role and decisions can be robustly defended. It is also important in the continued recruitment of future councillors.

56. Members at the LGA want to ensure that the code will be compatible with upholding the country's democratic principles and structures, and on-going political representation for their residents. They want to see an equal expectation of conduct between members and officers, between members, with the general public, and with others in public office such as Police Crime Commissioners and MPs, so that all are clear about the expected behaviour and the procedures should their behaviour fall short.

57. Members at the LGA also want to ensure that the code is not used as a tool that could remove members on grounds that may not follow natural justice or that it is abuse for personal or political gain by members, officers or the general public. The code needs to provide safeguards for both members and officers.

58. We want to achieve a shift in attitudes that sees the code of conduct as a tool to support members in achieving good standards in public office, rather than a tool that simply penalises poor behaviour. The code should be a way of supporting members who have been subjected to poor behaviour by members and/or staff and/or the general public.

59. It is also important that the impact on staff and the running of the council, should a member's behaviour fall short of what is expected of public office, is given due weight in any review, and that the code provides the tools to address such behaviour.

60. For the code to be successful we need to seek to build consensus, with the primary objective that the code articulates the standards that are expected for anyone in public office or working for the public.

61. Outline timetable

- September 2019 – discussion with Leadership Board
- October 2019 – research begins
- November/December 2019 – research and engagement with stakeholders and councils including LGA workshop
- January 2020 – creating of proposal draft code and discussion with Leadership Board on 22 January
- February/March/April 2020 – consultation with member authorities and stakeholders



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- May 2020 - bringing together draft code
- June 2020 – draft code to Leadership Board on 3 June for final discussion and approval
- July 2020 – final code launched at LGA General Assembly

Implications for Wales

62. The LGA has worked jointly with the WLGA in the development of its 'guide for councillors on handling intimidation' and in the associated session at the LGA 2019 annual conference. The WLGA is keen to work with the LGA on the issue of intimidation, and its Chair, Cllr Debbie Wilcox, has been active on the issue.
63. Cllr Wilcox has set up a diversity in local government group with the leaders of all councils in Wales. Part of its remit is to look at culture in councils and political respect.
64. The WLGA has also engaged with its monitoring officers and all have agreed informally that their councillors will be supported and have the same access to support as employees.
65. The WLGA is hosting the UK Forum for lead members of the UK local government associations on 2nd and 3rd November in Cardiff.

Financial Implications

66. This work programme would be met from existing budgets.

Next steps

67. Officers will take on board the comments and direction and revise the programme accordingly.



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Appendix 1

Illustrative text for code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity

You are a member or co-opted member of the [name] council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member - You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, including your membership of any Trade Union, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

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Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register or which you consider should be included if you are to fulfil your duty to act in conformity with the Seven Principles of Public Life. These non-pecuniary interests will necessarily include your membership of any Trade Union.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.