

# Agenda

## Standards and Ethics Committee

**Wednesday, 27 April 2022, 10.00 am**  
**County Hall, Worcester**

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## DISCLOSING INTERESTS

There are now 2 types of interests:  
**'Disclosable pecuniary interests'** and **'other disclosable interests'**

### WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3<sup>rd</sup> party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

**NB Your DPIs include the interests of your spouse/partner as well as you**

### WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
  - you must **not participate** and you **must withdraw**.

**NB It is a criminal offence to participate in matters in which you have a DPI**

### WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:  
You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

### WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

### DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests** **OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

### DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
  - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

## Standards and Ethics Committee

**Wednesday, 27 April 2022, 10.00 am, County Hall, Worcester,  
WR5 2NP**

**Membership:** Cllr Bob Brookes (Chairman), Cllr Dan Boatright, Cllr David Chambers, Cllr Laura Gretton, Cllr Steve Mackay, Cllr Dan Morehead, Cllr Mike Rouse and Cllr Tom Wells

Independent Members (Non-voting): Dr M Mylechreest, Dr P Whiteman and vacancy

### Agenda

Item No	Subject	Page No
1	<b>Apologies and Named Substitutes</b>	
2	<b>Declarations of Interest</b>	
3	<b>Public Participation</b> Members of the public wishing to take part should notify the Assistant Director for Legal and Governance in writing or by e-mail indicating both the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case 26 April 2022). Enquiries about this can be made through the telephone number/e-mail address listed in this agenda and on the website.	
4	<b>Confirmation of Minutes</b> To confirm the Minutes of the meeting held on 20 October 2021. (previously circulated)	
5	<b>Local Government Association Member Code of Conduct</b>	1 - 22
6	<b>Recruitment of Independent Member</b>	23 - 26

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All the above reports and supporting information can be accessed via the Council's website

Date of Issue: Thursday, 14 April 2022

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## **STANDARDS AND ETHICS COMMITTEE**

### **27 APRIL 2022**

## **LOCAL GOVERNMENT ASSOCIATION MEMBER CODE OF CONDUCT**

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### **Recommendation**

- 1. The Assistant Director for Legal and Governance recommends that:**
  - (a) the Committee considers and comments on the draft Member Code of Conduct, which has been updated following consideration of the Local Government Association Model Code; and**
  - (b) the Code of Conduct be adopted by full Council as the County Council's Code of Conduct.**

### **Background**

2. In January 2021 the Committee were informed about progress with the Local Government Association (LGA) model Code of Conduct which the LGA had developed as part of its work in supporting the sector to continue to aspire to high standards of leadership and performance. This was offered as a template for councils to adopt as a whole and/or with local amendments.
3. Having participated in consultation about content, the Committee agreed to consider the Code once published.
4. The Committee agreed a number of recommendations in relation to the pan Worcestershire Code of Conduct, as follows:
  - a) a statement about a right to respectful behaviour from the public should be included (it is);
  - b) an obligation to undertake Code of Conduct training by the local authority was not necessary aside from the Code of Conduct training session arranged for new councillors. However, this would be the subject of further review by the Monitoring Officer if district council partners were of the view that training should be mandatory for all councillors;
  - c) the value for registering gifts and hospitality should remain as £15 (it does);
  - d) the current situation in the Worcestershire Code where an appointment to an outside body by the Council did not automatically mean that an Other Interest should be declared should remain unchanged. However, this approach should be reviewed dependent on circumstances (this has been changed by the LGA Code and is included in the draft before the Committee for consideration); and
  - e) Having heard the feedback from the Committee, the Monitoring Officer was asked to liaise with colleagues from the District Councils in Worcestershire to consider feedback from all Councils and to bring forward any revisions to the Worcestershire Code for consideration.

5. Since this meeting the new Committee has met informally to consider the main points of the LGA Code and considered an update at its last formal meeting. The Monitoring Officers from the District Councils and Fire Authority have met to consider the views from each Council, and prepared a draft Code based on the LGA Code for consideration.

6. The draft Code is attached as an Appendix. Where local conventions or requirements are recommended for retention by the Monitoring Officers, these are highlighted in yellow in the draft. Examples are retaining the limit of declaring gifts and hospitality at £15 rather than increasing to £50 as suggested in the LGA model Code.

7. The main points of difference from the current Code are:

- More detailed explanation of the requirements of each element of the Code. The Committee had previously supported this as being helpful to Councillors and members of the public;
- A requirement to register 'Other' interests. For example where a Councillor holds an unpaid directorship or is in a position of control with a charity. Currently there is no requirement to register such interests;
- The 10 general principles of public life are retained, the LGA Code has seven;
- Inclusion of best practice recommendations at Appendix C.

### **Government Response to the Committee on Standards in Public Life**

8. The Government published its response to the recommendations in the report of the Committee on Standards in Public Life in March 2022.

9. The Government did not support most of the recommendations but has undertaken to consider further the following:

- Recommendation 2 – not disclosing home addresses of candidates or Councillors – principle accepted
- Recommendation 6 – agrees that the register of gifts and hospitality should be publicly available
- Recommendation 16 – ability to suspend Councillors for up to 6 months – the Government will engage to seek views on strengthening sanctions for breaches of the Code
- Recommendation 11 – providing legal indemnity to Independent Persons – agreed in principle
- Recommendation 17 – clarify whether Councils can lawfully bar Councillors from Council premises or from using facilities – the Government will consider further;
- Recommendation 21 – the Government will consider further the recommendation to amend the Localism Act to require sanctions for Parish Councillors to be determined by the relevant principal authority (the District Councils in Worcestershire)

- Recommendation 22 – extend disciplinary protections for statutory officers to all disciplinary action, not just dismissal – the Government will seek views on this
- Recommendations 23 and 24 about increasing transparency and extending the definition of ‘prescribed persons’ under the Public Interest Disclosure Act 1998 to include Councillors – the Government is willing to consider further.

7. The LGA gave a commitment to reviewing the Code on an annual basis. However, some of the views it received indicated that it would be too early to review the code this year for various practical reasons. It has developed guidance on the Code and training support, which are available on its website.

## Supporting Information

Appendix 1 – LGA Model Member Code of Conduct  
Appendix 2 – Members’ Gifts and Hospitality Local Protocol

## Contact Points

### Specific Contact Points for this report

Abraham Ezekiel, Assistant Director for Legal and Governance

Tel: 01905 843287

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## Background Papers

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance) there are no background papers relating to the subject matter of this report as the documents relied on are already published. These documents are:

The report of the Committee on Standards in Public Life: [Local government ethical standards: report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/108222/Local-government-ethical-standards-report-2015.pdf) .

The Government’s response to the report: [Local government ethical standards: government response to the Committee on Standards in Public Life report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/108222/Local-government-ethical-standards-report-2015.pdf)

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# **Local Government Association**

## **Model Councillor Code of Conduct**

### **Joint statement**

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

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

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

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

### **Introduction**

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

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

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

The LGA Model Councillor Code of Conduct has been reviewed by councils across Worcestershire together with Hereford & Worcester Fire Authority and slightly amended to provide a pan-Worcestershire Code. The relevant Monitoring Officers will undertake further reviews of this Code should further significant changes be recommended by the LGA.

## Definitions

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

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

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

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

## Purpose of the Code of Conduct

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

## General principles of councillor conduct

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

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

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

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

In undertaking my role:

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

## Application of the Code of Conduct

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

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

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

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

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

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

### Where you act as a representative of the Council:

- (a) on another relevant 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 the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

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

## Standards of councillor conduct

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

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

## General Conduct

### 1. Respect

#### As a councillor:

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

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

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

**The robust manner in which councillors engage with each other during political debate is not appropriate when engaging with local authority employees, employees and representatives of partner organisations and those volunteering for the local authority. As strategic leaders and employers, it is expected that councillors will set a positive example to staff by treating them with politeness and courtesy at all times.**

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

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

### 2. Bullying, harassment and discrimination

#### As a councillor:

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

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

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

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

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

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

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

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services. Councillors must not do anything that is likely to cause the Council to breach its public commitment to equality and fostering good relations with all communities.

Appendix D sets out additional guidance that Councillors must read alongside this Code of Conduct.

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

**As a councillor:**

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

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

**You must:**

- (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the Council's officers and in particular by the Monitoring Officer and Section 151 Officer; and**
- (b) give reasons for all decisions in accordance with any statutory requirement and any reasonable additional requirements imposed by the Council.**

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

**As a councillor:**

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

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other**

- person; or
- iv. the disclosure is:
1. reasonable and in the public interest; and
  2. made in good faith and in compliance with the reasonable requirements of the local authority; and
  3. I have consulted the Monitoring Officer prior to its release.

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

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

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

With regards to personal data relating to individuals, you must not do anything that is likely to cause your authority to breach Data Protection law. You must seek to ensure you are familiar with how the Data Protection Act applies to your role in handling personal data through training, and if you are not sure you should seek advice from the Monitoring Officer.

## **5. Disrepute**

**As a councillor:**

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

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

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

## **6. Use of position**

**As a councillor:**

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

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

## 7. Use of local authority resources and facilities

As a councillor:

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

**7.2 I will, when using the resources of the local authority or authorising their use by others:**

**(a) act in accordance with the local authority's requirements;**

**(b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed; and**

**(c) have regard to any applicable Local Authority Code of Publicity during elections.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## 8. Complying with the Code of Conduct

As a Councillor:

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

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

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

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

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

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

### 9. Interests

#### As a councillor:

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

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

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

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

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

### 10. Gifts and hospitality

#### As a councillor:

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £15 within 28 days of its receipt.**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

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



## Appendices

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

The principles are:

**Selflessness** – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and Integrity** – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should, on all occasions, avoid the appearance of such behaviour.

**Objectivity** – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – Members should be as open as possible about their actions and those of their Authority and should be prepared to give reasons for those actions.

**Personal judgement** – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Duty to uphold the Law** – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

**Leadership** – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

## Appendix B Registering interests

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

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

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

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

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. **If the interest has not already been recorded, notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.** If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.  
Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any

discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision; and
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

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

	<p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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\* 'director' includes a member of the committee of management of an industrial and provident society.

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

**Table 2: Other Registrable Interests**

<p>-</p>	<p>You must register as an Other Registrable Interest:</p> <ul style="list-style-type: none"> <li>a) any unpaid directorships</li> <li>b) any body of which you are a member or are in a position of general control or management and to which you are <b>not</b> nominated or appointed by your authority</li> <li>c) any body <ul style="list-style-type: none"> <li>(i) exercising functions of a public nature</li> <li>(ii) directed to charitable purposes or</li> <li>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</li> </ul> </li> </ul> <p>of which you are a member or in a position of general control or management</p>
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## Appendix C – the Committee on Standards in Public Life

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

The recommendations cover:

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

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

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

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

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

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

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

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

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

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

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

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

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor

towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

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

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

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

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

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

## Appendix D

This Code of Conduct must be read alongside:

ACAS Guidance “If You’re Treated Unfairly at Work”

<https://www.acas.org.uk/if-youre-treated-unfairly-at-work/being-bullied>

Equality and Human Rights Commission – Public Sector Equality Duty Guidance



# Members' Gifts and Hospitality

## Local Protocol

This document is intended as a guide to assist Members in determining the correct course of action with regard to acceptance and declaration of gifts and hospitality offered to you in your capacity as a Member of the Fire Authority (or which might impact upon that role).

The guide sets out a recommended approach in dealing with gifts etc., depending on their nature and value. A decision in respect of the gifts and hospitality rests with you, although guidance can be obtained from the officers set out below.

Acceptance of gifts or hospitality could bring you or the Authority into disrepute if it creates the impression that someone may be seeking, or have already received, special treatment or is seeking to influence decisions. In deciding whether to accept any gifts or hospitality, regardless of the value, you should consider whether a member of the public, knowing the facts, would reasonably think that you might have been influenced by the gift or hospitality received.

The Authority has decided that any gifts or hospitality worth more than **£15** should be recorded.

### Gifts

There is no need to declare a gift worth less than **£15**.

Where you accept any gift in your capacity as a Member of the Fire Authority (or which is likely to impact upon your role worth more than **£15** you must record the details in the Register of Gifts and Hospitality. The Register is kept in the Committee and Members' Services Section at Service headquarters.

The more valuable a gift, the greater the degree of caution required. As a general guide, you should think carefully before accepting any gift which you know or believe to be worth more than **£25**. If you accept such a gift, you must inform the Monitoring Officer as well as recording the details in the Register of Gifts and Hospitality.

You should also record in the register any gifts that you have declined.

### Hospitality

In general attendance in an official capacity at a function organised by a public authority or local non-profit-making organisation or is acceptable. Offers of hospitality from individuals or profit making organisations should be treated with care. An offer should be declined if you believe that it could have been made to exert influence, or to improve the standing of an individual or organisation, in relation to current or future dealings with the Authority.

If you accept an offer of hospitality and subsequently discover that the reason behind it was to exert undue influence, then you should, as soon as is practically possible, write to Monitoring Officer, giving details. For your own protection, you should advise the Monitoring Officer of any situation where you are concerned over the underlying intention behind the offer of hospitality, even where such an offer has been refused.

The table overleaf sets out examples of hospitality and the recommended course of action.

Example of Hospitality	Action
Light refreshments prior to site meetings; presentations etc.	No need to record
Lunch/evening meal provided as part of an event by another public authority	No need to record
Reception or meal sponsored by private sector organisation as part of wider public sector/professional conference	No need to record
Lunch provided as part of a private sector sponsored conference or promotional event	Record in Register
Evening meals and overnight accommodation as part of a private sector sponsored conference or promotional event	Caution advised: If possible, decline the offer
Lunch/evening meal provided by a voluntary body at a meeting or AGM	No need to record
Lunch/evening meal provided by a voluntary body, at a meeting for the specific purpose of fund raising/lobbying	Caution is advised; consideration should be given to the underlying motives. If accepted, it should be recorded in the Register.

## **STANDARDS AND ETHICS COMMITTEE**

### **27 APRIL 2022**

## **RECRUITMENT OF INDEPENDENT MEMBER**

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### **Recommendation**

- 1. The Assistant Director for Legal and Governance recommends that:**
  - (a) the Committee considers the approach to be taken in seeking to recruit an independent member to the vacancy on the Committee; and**
  - (b) the Assistant Director for Legal and Governance be authorised in consultation with the Chairman and Vice-Chairman to finalise the detailed arrangements for the appointment of the independent member by the Committee.**

### **Background**

2. The constitution sets out that the Committee should have 3 non-voting independent members upon it in addition to the elected members. Independent Member Cliff Slade resigned from the role earlier this year, so there is a need to appoint a 3rd (who cannot be an elected member or an officer of the Council).
3. There are no particular legal processes which need to be followed for the appointment of independent members, who are co-opted onto the Committee.
4. The Committee is asked to consider how the recruitment and appointment process for a further independent member should be pursued.
5. Previously the Committee has agreed that the AD for Legal and Governance' predecessor contact district council colleagues, create a press release and make Group Leaders aware of the vacant position. The enclosed job description for the independent member was also agreed.
6. Since that time the Council has developed use of social media and has used LinkedIn and other methods to advertise voluntary and similar roles. It is therefore suggested that the AD for Legal and Governance explores maximising use of such media to attract a wide interest in the role.

## **Supporting Information**

Appendix – job description for an Independent Member of the Standards and Ethics Committee.

## **Contact Points**

### Specific Contact Points for this report

Abraham Ezekiel, Assistant Director for Legal and Governance

Tel: 01905 843287

Email: [aezekiel@worcestershire.gov.uk](mailto:aezekiel@worcestershire.gov.uk)

## **Background Papers**

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance) there are no background papers relating to the subject matter of this report.

## **Independent Member of the Standards and Ethics Committee - Job Description**

### **JOB PURPOSE**

Members of the Standards and Ethics Committee promote and maintain high standards of conduct by councillors and co-opted members of the Council and its Committees.

This includes assisting members to observe the Code of Conduct and relevant protocols, to monitor the operation of the Code, and to advise and train members.

### **REQUIREMENTS**

The Council values the involvement and input of persons who are independent of the Council and local government to provide a non-political perspective on standards matters. The post is non-voting but is expected to play a full role in expressing views and questioning.

Independent members must:

- reside or work in Worcestershire
- be fair and able to take an objective and practical view of sometimes emotive situations
- be able to act with independence and tenacity
- be able to exercise sound judgement, and to consider complex situations
- be able to express their ideas and point of view effectively
- not be an employee, or a Councillor, of any Council
- not be a paid-up member of any political party.

### **ACTIVITY**

The Committee sits between 1 and 4 times a year.

Committee members may also sit (infrequently) to determine whether or not members have breached the Code of Conduct and determine the appropriate response in the event of a breach.

The appointment is unpaid but travel expenses are claimable.

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