

Blackpool Council

8 April 2022

To: Councillors Baker, Benson, Clapham, Collett and Smith

The above members are requested to attend the:

STANDARDS COMMITTEE

Tuesday, 19 April 2022 at 6.00 pm
in The Council Chamber, Town Hall, Blackpool

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE LAST MEETING HELD ON 20 MAY 2021 (Pages 1 - 8)

To agree the minutes of the last meeting held on 20 May 2021 as a true and correct record.

3 STANDARDS UPDATE REPORT (Pages 9 - 12)

To consider an update report from the Monitoring Officer on standards issues and training held since the last meeting.

4 REVISED CODE OF CONDUCT FOR MEMBERS (Pages 13 - 30)

To consider a recommendation for Council approval of a revised Code of Conduct for Members.

5 GOVERNMENT RESPONSE TO THE COMMITTEE ON STANDARDS IN PUBLIC LIFE REPORT (Pages 31 - 48)

To consider the Government's response to the report of the Committee on Standards in Public Life's review of local government ethical standards.

6 DATE OF NEXT MEETING

To note that the date of the next Standards Committee will be subject to ratification of the Programme of Meetings 2022/23 at Annual Council.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Lorraine Hurst, Head of Democratic Governance, Tel: (01253) 477127, e-mail lorraine.hurst@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Public Document Pack Agenda Item 2

MINUTES OF STANDARDS COMMITTEE MEETING - THURSDAY, 20 MAY 2021

Present:

Councillor Taylor (in the Chair)

Councillors

Benson

Brookes

Clapham

Galley

In Attendance:

Mark Towers, Director of Governance and Partnerships / Monitoring Officer

Lorraine Hurst, Head of Democratic Governance / Deputy Monitoring Officer

Jenni Cook, Democratic Governance Senior Adviser

Also In Attendance (Item 5 only):

Mrs O Brown, Investigating Officer

Councillor Blackburn

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES OF THE LAST MEETING HELD ON 3 DECEMBER 2020

The Committee agreed that the minutes of the meeting held on 3 December 2020 be signed by the Chair as a correct record.

3 LOCAL GOVERNMENT ASSOCIATION - VOLUNTARY MODEL CODE OF CONDUCT

The Committee received a report from the Monitoring Officer which outlined the proposed Local Government Association Voluntary Model Code of Conduct. The Code had been produced by the Local Government Association (LGA) following a consultation exercise carried out from June to August 2020. The proposed Code was designed to apply across all local authorities to ensure consistency across the country. Members noted that the Code did not bring into effect any revised powers or duties as those required legislative changes but was intended to bring together best practice across local authorities. The report proposed that the Code be referred to a workshop with the Chair, Vice Chair, an Opposition Member, the Independent Persons and representatives from Fylde Borough Council to consider the model Code in greater depth.

The Monitoring Officer provided the Committee with an outline of a survey of Monitoring Officers carried out by Lawyers in Local Government (LLG) which indicated a mixed level of take-up, at the time of the survey.

The Monitoring Officer reminded the Committee of the reciprocal arrangements with Fylde Borough Council and informed them that a similar report on the Code was also being presented to Fylde's Audit and Standards Committee that evening.

MINUTES OF STANDARDS COMMITTEE MEETING - THURSDAY, 20 MAY 2021

Members discussed the report and made reference to the LGA consultation, in particular the proposal to raise the threshold for declaring gifts and hospitality from £25 to £50. The consultation stated that most survey respondents had supported £25 as the threshold for gifts and hospitality, however the threshold in the proposed Code remained at £50.

The Monitoring Officer stated that although a large part of the model had been welcomed to bring about consistency of interpretation, there was some reticence amongst local authorities with regards to some aspects of the proposed Code and that, should the Committee accept the report recommendations, matters such as these could be examined in greater detail by the workshop.

Resolved:

1. To refer the Code to a workshop with the Chair, Vice Chair and an Opposition Member from this committee, representatives from Fylde Borough Council Audit and Standards Committee, its Monitoring Officer and the three Independent Persons on whether to:
 - adopt the LGA Model Code in its entirety,
 - to amend the LGA Model Code and update with aspects of the Council's current code, or
 - update the Council's current code as appropriate with parts of the LGA Model Codeand report back to this committee by way of recommendation.

4 EXCLUSION OF PUBLIC AND PRESS

Resolved:

That under Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of Agenda Item Four, Code of Conduct Matter.

5 CODE OF CONDUCT MATTER

The Committee considered a Code of Conduct matter in respect of an allegation in relation to Councillor Blackburn submitted under the Council's arrangements for dealing with complaints about the conduct of members.

The Chair welcomed the Investigating Officer, Mrs Brown and the subject member, Councillor Blackburn to the meeting. It was noted that the Independent Person, Mrs Broughton, had been unable to attend the meeting and her comments had been provided to the Monitoring Officer.

In line with the Hearing Procedure, Mrs Brown outlined her investigation and findings and the Committee had the opportunity to ask her questions.

Councillor Blackburn provided the Committee with his representations and the Committee had the opportunity to ask him questions.

The Monitoring Officer provided the Committee with Ms Broughton's comments.

MINUTES OF STANDARDS COMMITTEE MEETING - THURSDAY, 20 MAY 2021

Both Mrs Brown and Councillor Blackburn left the meeting whilst the Committee deliberated the investigation report and returned to hear the decision.

Resolved:

1. That there was no breach of the Code of Conduct in respect of decisions made by Councillor Blackburn on the loans to Blackpool Pleasure Beach.
2. That there was a breach of the Code of Conduct in respect of Councillor Blackburn's failure to declare gifts and hospitality from Blackpool Pleasure Beach.
3. That by way of a censure, a report of the findings of this hearing be reported to the next ordinary council meeting for information, including reference to the apology from Councillor Blackburn.
4. That this report to Council also act as a reminder to all councillors about the importance of being open and transparent in their dealings with accepting and registering such items and not to leave their conduct open to question.
5. That the provision within the current Code of Conduct in relation to acceptance of and declaration of gifts and hospitality, be reviewed as part of the workshop being convened to review the current Code of conduct in line with the LGA Model.
6. That emphasis in this review in particular be given to elected members being advised to exercise caution in accepting gifts or hospitality, in order to protect their position and the reputation of the authority.
7. That following this workshop, it be noted that refresher training on the receipt of gifts and hospitality for all members of the Council will take place, with particular regard to those elected members on the Executive, company chairs and others in roles of special responsibility.
8. To confirm that under Section 11.2.2 of the complaints procedure agreed by the committee on 03 December 2020 a decision notice be published online.

6 DECISION NOTICE

The Decision Notice is attached as a supplement to these minutes.

Chair

(The meeting ended at 7.13 pm)

Any queries regarding these minutes, please contact:
Jenni Cook, Democratic Governance Senior Adviser
Tel: (01253) 477212
E-mail: jennifer.cook@blackpool.gov.uk

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Blackpool Council

**STANDARDS COMMITTEE – WRITTEN DECISION NOTICE OF HEARING
IN RELATION TO A POSSIBLE FAILURE TO FOLLOW THE CODE OF CONDUCT**

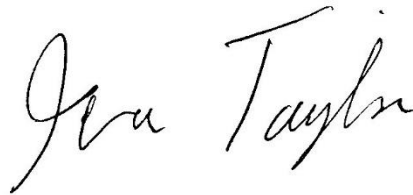
Case reference number:	01/2021
Subject member, who the allegation has been made about:	Councillor Simon Blackburn
Subject member representative:	N/A
Investigating officer(s):	Mrs Olwen Brown
Date and place of hearing:	20 th May 2021, Blackpool Council Offices, Bickerstaffe House, Blackpool FY1 3AH
Chair of the standards committee hearing:	Councillor Ivan Taylor
Other Standards committee members attending the hearing:	Councillor Kath Benson, Councillor Neal Brookes, Councillor Don Clapham and Councillor Paul Galley.
Independent member who was consulted regarding the referral for investigation:	Mrs Helen Broughton
Monitoring Officer/ Monitoring Officer representative to the Committee:	Mark Towers (Monitoring Officer) and Lorraine Hurst (Deputy Monitoring Officer)
Clerk for the hearing:	Mrs Jennifer Cook
Summary of the allegation:	<p>It was alleged:</p> <ul style="list-style-type: none"> • That free platinum passes (season passes) were given by the Blackpool Pleasure Beach Managing Director for the 2019 and 2020 seasons to Councillor Blackburn, for himself and his family and he had failed to register them in the Council’s Register of Gifts and Hospitality. • That the platinum passes were given to thank Councillor Blackburn for his help with securing the Council loans for the ICON ride and the Boulevard Hotel.

<p>Relevant paragraphs of the Code of conduct:</p>	<p>The Register of Disclosable Pecuniary Interests and Personal Interests of Blackpool Council as required by Paragraph 11.2 of the Councils Code of Conduct, requires members to declare “within 28 days of receiving any gift or hospitality in my capacity as a member with an estimated value of £25 or more, provide written notification by completing the registration of gifts and hospitably form and return it to the Monitoring Officer.”</p>
<p>Committee’s decision on any procedural matter:</p>	<p>To agree that the Code of Conduct does apply to the actions of Councillor Blackburn.</p> <p>To confirm that under Section 11.2.2 of the complaints procedure agreed by the committee on 03 December 2020 a decision notice be published online.</p>
<p>Observations of the independent person (the same person who was consulted by the Monitoring Officer prior to the matter being referred for investigation) :</p>	<p>The Independent Person, Mrs Broughton, was unable to attend the meeting, but had submitted the following observations in advance of the meeting, on reviewing the report of the Investigating Officer.</p> <p><i>“I thought the report covered all the key points in a fair and logical way. I agree with the conclusions drawn, being:</i></p> <ul style="list-style-type: none"> • <i>That the code was breached in respect of not declaring the Pleasure Beach tickets, and</i> • <i>That there was no breach in respect of Cllr Blackburn’s role in the awarding of loans to the Pleasure Beach</i> <p><i>I would also add that to form a link between the two events would not be a fair or accurate assessment of the facts.”</i></p>
<p>Summary of the evidence considered:</p>	<p>It was noted that the passes were currently priced at £125 each and although the cost may have varied in 2019 and 2020, it was considered beyond doubt that these were greatly in excess of the limit stated in the policy, in particular as the passes were provided not just for Councillor Blackburn but also for three family members. The committee’s view was that the passes should be treated as a whole and their value taken accordingly.</p> <p>Three Executive decisions had been taken by the Council with regard to loans to the Pleasure Beach (or an affiliated company): one by the Executive itself in April 2017 at which Councillor Blackburn was not present and two Cabinet Member decisions in May 2018 taken by Councillor Blackburn in his role as Leader of the Council.</p> <p>It was noted that the Council had not provided a loan facility for the Icon ride.</p>
<p>Representations of the Subject member:</p>	<p>The subject member, Councillor Blackburn, had submitted the following comments in advance of the meeting on</p>

	<p>reviewing the report of the Investigating Officer “I am grateful to Mrs Brown, Mrs Broughton and Mr Towers for their thorough investigation. I fully accept the report and its conclusions and apologise for my decision not to register the gifts in question.” At the meeting Councillor Blackburn re-iterated his acceptance of the findings and his apology for not registering them. He also explained his long standing relationship with the Pleasure Beach and the importance of the Pleasure Beach to the economy of the town and his role as Leader and the importance of building good strong business relationships, in particular with organisations such as the Pleasure Beach.</p>
<p>Findings of fact:</p>	<p>It was not disputed that the value of the passes were each well over the £25 limit. Furthermore, the tickets were used on one occasion in 2019 by Councillor Blackburn and two family members. The Council’s gifts and hospitality policy was also clear about the need to record gifts whether they are used or not and Councillor Blackburn was aware of this as he had attended training and had made numerous other declarations.</p> <p>With regard to the loans to Blackpool Pleasure Beach, the Investigating Officer had concluded that these were some time ago, no issues had been raised at the time and the decisions were all notified within the public domain. Councillor Blackburn had not been present at the Executive meeting in April 2017 and the two decisions taken by him in May 2018 followed recommendations for approval by the Council’s Business Loans Panel, which comprised of key council officers who had undertaken due diligence in relation to the reports.</p>
<p>Findings as to whether or not the member failed to follow the Code of Conduct including the reasons for that finding:</p>	<ol style="list-style-type: none"> 1. That there was no breach of the Code of Conduct in respect of decisions made by Councillor Blackburn on the loans to Blackpool Pleasure Beach. 2. That there was a breach of the Code of Conduct in respect of Councillor Blackburn’s failure to declare gifts and hospitality from Blackpool Pleasure Beach.
<p>Actions to be taken/ sanctions to be imposed:</p>	<ol style="list-style-type: none"> 1. That by way of a censure, a report of the findings of this hearing be reported to the next ordinary council meeting for information, including reference to the apology from Councillor Blackburn. 2. That this report to Council also acts as a reminder to all councillors about the importance of being open and transparent in their dealings with accepting and registering such items and not to leave their conduct open to question.
<p>Recommendations to the authority:</p>	<ol style="list-style-type: none"> 1. That the provision within the current Code of Conduct in relation to acceptance of and declaration of gifts and

	<p>hospitality, be reviewed as part of the workshop being convened to review the current Code of conduct in line with the Local Government Association Model.</p> <ol style="list-style-type: none"> 2. That emphasis in this review in particular be given to elected members being advised to exercise caution in accepting gifts or hospitality, in order to protect their position and the reputation of the authority. 3. That following this workshop, it be noted that refresher training on the receipt of gifts and hospitality for all members of the Council will take place, with particular regard to those elected members on the Executive, company chairs and others in roles of special responsibility.
Right to appeal:	There is no right of appeal from this decision which is final.

Signed:



**Chair of the Standards Committee
25th May 2021**

Dated:

Report to:	STANDARDS COMMITTEE
Relevant Officer:	Mark Towers, Director of Governance and Partnerships / Monitoring Officer
Date of Meeting:	19 April 2022

STANDARDS UPDATE REPORT

1.0 Purpose of the report:

- 1.1 To consider an update report from the Monitoring Officer on standards issues and training held since the last meeting.

2.0 Recommendation(s):

- 2.1 To consider the update report and note the issues raised to date
- 2.2 To support the repeat of the two training areas as part of the induction process for new councillors following the 2023 elections.

3.0 Reasons for recommendation(s):

- 3.1 To make Standards Committee members aware of the type of issues raised and seek support for training for elected members.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, this is an update report.

4.0 Council Priority:

- 4.1 This report covers all of the Council's priorities.

5.0 Background Information

- 5.1 The Monitoring Officer has been appointed as Proper Officer to receive allegations of failure to comply with the Code of Conduct regarding elected members and co-opted members. The Monitoring Officer has delegated authority, after consultation with an Independent Person, to determine whether an allegation of a member's misconduct requires investigation and to arrange such an investigation.
- 5.2 However, the Monitoring Officer should seek resolution of complaints without formal investigation wherever practicable and has the discretion to refer matters to the Standards Committee where they feel it is inappropriate to take a decision on a referral for investigation. They should also periodically prepare reports for the Standards Committee on the discharge of this function.
- 5.3 It should be noted that there are a number of stages in dealing with reported matters. Some matters are brought to the attention of the Monitoring Officer without merit. In instances where a breach may have been considered to arise and in line with agreed procedures, wherever possible the Monitoring Officer should seek the resolution of complaints without the need for formal investigation.
- 5.4 Periodic reports to the Standards Committee show all the matters which have been brought to the attention of the Monitoring Officer for review, in order that members of the Standards Committee have an appreciation of all matters arising.

Update on standards issues raised

- 5.5 The schedule below sets out the issues raised on a category basis since the last report to the Committee in December 2020.

Failure to register gifts – one councillor. Initial assessment undertaken and independent investigation completed (January/ February 2021). Hearing held in May 2021. Censure action taken – report to Council (Sept 2021).

Conflict of Interest - one Councillor. Dispute over a constituency issue, initial assessment undertaken and Independent Person consulted – No conflict of Interest and no action taken. (January 2021).

Bringing office into dispute – two councillors and a covid-19 complaint – not on council business and also not breaking covid-19 rules. (March 2021)

Bringing office into disrepute – one councillor social media post complaint – posting removed – advice given (December 2021).

- 5.6 At the last meeting of the committee, it was agreed that a programme of training be held covering social media training and dealing with conflict situations, both areas being provided by North West Employers.
- 5.7 Social Media training was held over 2 sessions in June 2021 with 18 attendees. The Session covered:
- Identifying and finding your audience
 - Posting on Twitter, Facebook and Instagram and using hashtags and tagging
 - Developing your messages
 - Building your brand online
 - A brief overview of algorithms
 - Building a social network
- 5.8 Feedback received from the sessions was disappointing from both sessions and no further sessions were arranged. It is recommended that as this is a key area, another provider be sought and this be commissioned as part of a future training programme. Councils in the North West are to be contacted to seek recommendations of a preferred trainer. This could be run following the local elections in 2023.
- 5.9 Conflict Management training, was held in July 2021 and February 2022 with 15 attending. This was again commissioned via North West Employers.
- The session covered:
- Identify the causes of conflict and difficult behaviour experienced by Councillors
 - Understand why conflict exists and how to overcome this
 - Identify the emotional responses and how they affect outcomes
 - Understand how to avoid and deflect from possible conflict situations
 - Identify ways to protect yourself from intimidation
 - Be able to use positive language and verbal skills to diffuse situations online or face to face
- 5.10 Feedback from both sessions has been very positive, in terms of content covered and delivery style and indicates that the aims of session were met. It is proposed that this session be run again in the future and would especially be useful for any new councillors following the elections in 2023.
- Whistleblowing process*
- 5.11 There have been no accepted allegations submitted under the whistleblowing process.
- 5.12 Does the information submitted include any exempt information? No

5.13 **List of Appendices:**

5.14 None.

6.0 **Legal considerations:**

6.1 None.

7.0 **Human Resources considerations:**

7.1 None, this is an update report.

8.0 **Equalities considerations:**

8.1 None, this is an update report.

9.0 **Financial considerations:**

9.1 Costs of training are covered via the Member Training budget.

10.0 **Risk management considerations:**

10.1 The Council has an agreed complaints handling procedure and code of conduct which sets out the standards expected and the process to be followed with regard to complaints received. Training on code of conduct issues also mitigates any potential breaches in the future.

11.0 **Ethical considerations:**

11.1 None.

12.0 **Internal/ External Consultation undertaken:**

12.1 Yes – on two standards complaints, Independent Persons were consulted and advice sought.

13.0 **Background papers:**

13.1 Exempt.

Report to:	STANDARDS COMMITTEE
Relevant Officer:	Mark Towers, Director of Governance and Partnerships / Monitoring Officer
Date of Meeting:	19 April 2022

REVISED CODE OF CONDUCT FOR MEMBERS

1.0 Purpose of the report:

- 1.1 To consider a recommendation for Council approval of a revised Code of Conduct for Members.

2.0 Recommendation(s):

- 2.1 To recommend Council to approve the revised Code of Conduct for Members set out at Appendix 4(a) for inclusion in the Council's Constitution.
- 2.2 To agree that training on the revised code of conduct be arranged following its formal approval and for Standards Committee members to champion this within their respective political groups.

3.0 Reasons for recommendation(s):

- 3.1 The revised Code incorporates many features from the Local Government Association (LGA) model code and gives greater definition around areas of the Code.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

To maintain the current Code.

4.0 Council Priority:

- 4.1 This report covers all of the Council's priorities.

5.0 Background Information

- 5.1 A model Code of Conduct was produced by the Local Government Association (LGA) in 2021 following a consultation exercise as a result of recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards.
- 5.2 Members of the Committee will be aware that following publication of the model Code, workshops have been held with independent persons supporting the Standards framework for both Blackpool and Fylde Council (with whom the Council has reciprocal arrangements) and Standards Committee members. Councillors Benson, Smith and Clapham represented Blackpool's Standards Committee.
- 5.3 The general view from these workshops was that the model Code provided useful additions, particularly in relation to explanatory information on the Code's provisions, but that the definitions of registrable interests should remain largely unchanged as knowledge and practices were sufficiently embedded.
- 5.4 Members will also recall a recommendation from the hearing held at the meeting in May 2021, that a review of the Code should include a review of the provisions around acceptance of and declaration of gifts and hospitality, including an emphasis on elected members being cautious in accepting these, in order to protect their position and the reputation of the authority.
- 5.5 A draft revised Code of Conduct has been drafted based upon the feedback and recommendations described above. The Committee is asked to consider and recommend to Council for its approval. A similar report and code of conduct went to the Fylde Borough Council Committee for Standards and was accepted as submitted and was recommended to their Council meeting on 25 April 2022.
- 5.6 One of the areas of discussion with the national consultation and in the workshops with the Independent Members and Standards Committee members from Blackpool and Fylde was the subject of periodic training on the code. The last training on the code of conduct was in 2019 in relation to behaviours and it is recommended that training on the revised code of conduct be arranged for the remaining part of this calendar year. The LGA has produced some training material which will assist in the delivery of this training.
- 5.7 Does the information submitted include any exempt information? No

5.8 List of Appendices:

Appendix 4(a): Revised Code of Conduct for Members

6.0 Legal considerations:

6.1 The principal statutory provisions relating to standards of conduct are contained in the Localism Act 2011. S.27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by members and co-opted members of the authority. Paragraphs 7.2 S.27 and s.28 of the 2011 Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about the alleged breach of the Code that has been investigated.

7.0 Human Resources considerations:

7.1 There are no direct human resource implications from the recommendations in this item.

8.0 Equalities considerations:

8.1 None.

9.0 Financial considerations:

9.1 There are no financial implications associated with this report.

10.0 Risk management considerations:

10.1 None.

11.0 Ethical considerations:

11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 Consultation workshops have been held with the Standards independent persons and members of the Standards Committee with input from the Monitoring Officers and Deputies for Blackpool Council and Fylde Council.

13.0 Background papers:

13.1 None

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Blackpool Borough Council Code of Conduct for Members	
Effective from:	Approved by Council on:

Preamble

General

- A. This is the code of conduct adopted by Blackpool Borough Council under section 27(2) of the Localism Act 2011. It consists of this preamble, general principles, code obligations and explanatory information.
- B. In this document:
 “the code” means this code of conduct
 “councillor” means anybody who the code applies to, including both councillors and co-opted members.
- C. The **general principles** set out what the code is intended to achieve and provide the context for the code obligations. The **code obligations** set out what councillors must or must not do when the code applies to them. The **explanatory information** gives guidance and examples about how the code obligations should be understood and applied.

Scope

- D. The code applies to elected councillors from when they sign their declaration of acceptance of the office of councillor and co-opted members from when they attend their first meeting and continues to apply until they cease to be in office.
- E. The code obligations apply when councillors are acting in their capacity as a councillor which includes when they:
- misuse their position as a councillor
 - give the impression that they are acting as a councillor or
 - act as a representative of the council on another body.
- F. The code applies to all forms of communication and interaction, including:
- face-to-face meetings
 - online or telephone meetings
 - written communication
 - verbal communication
 - non-verbal communication and
 - electronic and social media communication, posts, statements and comments.

Sanctions

Failure to comply with the provisions of this Code may result in a sanction being imposed:

- by the council (if it relates to the Code itself or a personal/prejudicial interest); or
- through criminal proceedings (if it relates to a Disclosable Pecuniary Interest which may result in a criminal conviction and a fine up to £5,000 and/ or disqualification from office for a period of up to five years).

General Principles

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles (see Appendix 1).

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.*

You are also expected to uphold high standards of conduct and lead by example when acting as a councillor.

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

Code Obligations and Explanatory Information

1. Respect

Code obligation:

1.1 You must treat all others with respect

Explanatory information:

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

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidating or threatening you are entitled to stop any conversation or interaction in person or online and report them to any relevant authority. This also applies to fellow councillors, where action could then be taken under the code, and local authority employees, where concerns should be raised in line with the local authority's councillor/officer protocol. The principle behind this section is that you should treat others how you would want to be treated yourself.

2. Bullying, harassment and discrimination

Code obligations:

2.1 You must not bully any person

2.2 You must not harass any person

2.3 You must promote equalities and not discriminate unlawfully against any person

2.4 You must not do anything which would breach or cause your local authority to breach the provisions of Equality Act 2010.

Explanatory information:

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

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

Code obligation:

3.1 You must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Explanatory information:

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 to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

Code obligation:

4.1 You must not disclose confidential information except where:

- **You have the consent of the person authorised to give it**
- **You are required by the law to do so**
- **You disclose the information 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**
- **You make the disclosure in good faith, and in compliance with the reasonable requirements of the authority, in the public interest**

4.2 You must not do anything which would breach or cause you or your local authority to breach the provisions of the Data Protection Act 2018.

Explanatory information:

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, for example if it relates to individuals or ongoing negotiations.

5. Disrepute

Code obligation:

5.1 You must not bring your role or local authority into disrepute.

Explanatory information:

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 or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest 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 the code.

6. Use of position

Code obligation:

6.1 You must not use, or attempt to use, you position improperly to the advantage or disadvantage of yourself or anyone else.

6.2 You must have regard to the obligations of your local authority under the Code of Recommended Practice on Local Authority Publicity made under the Local Government Act 1986.

Explanatory information:

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.

You should also have regard to the Code of Recommended Practice on Local Authority Publicity, which requires that publicity issued by local authorities should be objective and even handed.

7. Use of local authority resources and facilities

Code obligation:

7.1 When using the council's resources, you must do so in accordance with the authority's requirements and ensure that resources are not used improperly (including improperly for political purposes)

Explanatory information:

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. Decision Making

Code obligations:

- 8.1 You must have regard when reaching decisions, to advice provided to you by the authority's Chief Finance Officer or Monitoring Officer when they are acting in accordance with their statutory duties.**
- 8.2 You must give reasons for all executive decisions in accordance with any statutory requirements and any additional requirements of the authority**

Explanatory information:

You should have regard to the advice of the statutory officers mentioned above and take this into account, even if you choose not to follow it. If you choose not to follow the advice, you should be able to provide reasons for not doing so.

9. Complying with the Code of Conduct

Code obligations:

- 9.1 You must undertake all relevant training about the code provided by your local authority.**
- 9.2 You must cooperate with any investigation or other procedure carried out by your local authority in connection with an allegation of a breach of the code.**
- 9.3 You must not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or procedure in connection with an allegation of a breach of the code.**
- 9.4 You must comply with any sanction imposed on you following a finding that you have breached the code.**

Explanatory information:

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.

10. Interests

Code obligations:

10.1 You must register and disclose your disclosable pecuniary interests as required by law

10.2 You must register and disclose your personal and prejudicial interests as required by appendix 3

Explanatory information:

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 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.

Disclosable pecuniary interests (sometimes called 'DPIs') are set out in law by the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Appendix 2 describes the provisions about disclosable pecuniary interests.

Appendix 3 is the part of the code that sets out the detailed provisions about personal and prejudicial interests that apply to councillors.

You must comply with the rules in Appendix 2 and Appendix 3, where they apply. If in doubt, you should always seek advice from your Monitoring Officer.

11. Gifts and hospitality

Code obligations:

11.1 You should exercise caution in accepting gifts or hospitality in circumstances where a reasonable person would conclude that the gift or hospitality was given to you because you are a councillor, or because of any role or position that you hold in the council or a political group, unless the value of the gift or hospitality is trivial.

11.2 You should exercise caution in accepting gifts or hospitality in circumstances where a reasonable person would suspect that the person giving the gift or hospitality is a person seeking to do business with the council or who may be considering applying to the council for any permission, licence or other significant advantage.

11.3 You must register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

Explanatory information:

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 and the reason for acceptance is given. 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. A record of hospitality accepted by the Mayor is recorded by his/her secretary in the diary of events. However, any gifts offered to the Mayor during the course of his/her duties should be recorded.

DRAFT

Appendix 1 – The Seven Principles of Public Life (the ‘Nolan’ principles)

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix 2 – Disclosable Pecuniary Interests ('DPIs')

General

A2.1 This appendix explains the statutory requirements of the Localism Act 2011 (Sections 29- 34) in relation to disclosable pecuniary interests (DPIs). These are enforced by criminal sanction.

A2.2 A **disclosable pecuniary interest** is an interest of yourself or your partner (which means spouse or civil partner, 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) of the descriptions set out at the end of this appendix.

A2.3 You must:

- (i) Notify the Monitoring Officer in writing within 28 days of becoming a member, or within 28 days of any change or becoming aware of any existence of a DPI.
- (ii) Make a verbal declaration (at the beginning or as soon as you become aware of your interest) of the existence and nature of any DPI at any meeting at which you are present where an item of business which affects or relates to the subject matter of the interest is under consideration.
- (iii) Comply with the statutory requirements to withdraw from participating in respect of any matter in which you have a DPI and comply with the Council's Procedure Rules by leaving the room.
- (iv) Cease further participation in the item (where acting alone outside of a meeting). This includes where an executive member makes an individual decision 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

Dispensations

A2.4 The Standards Committee 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.

Offences

A2.5 It is a criminal offence to:

- fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election, or becoming aware of a disclosable pecuniary interest
- 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
- 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.

A2.7 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.

Categories of Disclosable Pecuniary Interests (DPIs)

Subject	Prescribed 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 relevant authority) made or provided within the relevant period 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.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority - (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where (a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and (b) either – (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (j) if that share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Appendix 3 – Personal Interests and Prejudicial Interests

This appendix sets out requirements made by the council that form part of the code.

A3.1 Personal Interests

A3.1.1 You have a **personal interest** where a decision in relation to that business might reasonably be regarded as affecting:

- (i) Your well-being or financial position of a member of your family or any person with whom you have a close association
- (ii) A body of which you are a member or in a position of general control or management and have been appointed or nominated to it by your authority.
- (iii) A body of which you are a member (other than another local authority) exercising functions of a public nature, any body directed to charitable purposes or any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management.

A3.1.2 You must:

- (i) Notify the Monitoring Officer in writing within 28 days of becoming a member, or within 28 days of any change or becoming aware of any existence of a personal interest set out in paragraph A3.1.1 (ii) and (iii) above.
- (ii) Make a verbal declaration (at the beginning, or as soon as you become aware of your interest) of the existence and nature of any personal interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of the interest is under consideration.

A3.2 Prejudicial interests

A3.2.1 Your personal interests would become **prejudicial** in the following instances:

- (i) Where a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest AND where that business:
 - (a) affects your financial position or the financial position of a person or body through whom the interest arises or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises.

A3.2.2 You must:

- (i) Make a verbal declaration (at the beginning, or as soon as you become aware of your interest) of the existence and nature of any prejudicial interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of the interest is under consideration.
- (ii) Comply with the Council's Procedure Rules by withdrawing from any discussion of the matter at the meeting, and you may not participate in any vote taken on the matter at the meeting.

A3.2.3 Where you have a prejudicial interest 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 provided that you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

A3.3 General dispensations

A3.3.1 You may attend a meeting and vote on a matter where you have an interest that relates to the functions of the authority relating to:

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease
- (ii) an allowance, payment or indemnity given to members
- (iii) any ceremonial honour given to members
- (iv) setting council tax or a precept under the Local Government Finance Act 1992
- (v) another local authority

A3.4 Sensitive interests

A3.4.1 Where you consider that disclosure of the details of a personal or prejudicial interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

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Report to:	STANDARDS COMMITTEE
Relevant Officer:	Mark Towers, Director of Governance and Partnerships / Monitoring Officer
Date of Meeting:	19 April 2022

GOVERNMENT RESPONSE TO THE COMMITTEE ON STANDARDS IN PUBLIC LIFE REPORT

1.0 Purpose of the report:

1.1 To consider the Government's response to the report of the Committee on Standards in Public Life's review of local government ethical standards.

2.0 Recommendation(s):

2.1 To note the Government's response.

3.0 Reasons for recommendation(s):

3.1 The Committee considered the report and recommendations to Government from the Committee on Standards in Public Life (CSPL) in September 2019 and this is the Government's response to that report.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None. This is an item for information.

4.0 Council Priority:

4.1 This report covers all of the Council's priorities.

5.0 Background Information

5.1 On 5th September 2019, this Committee received an update report from the Monitoring Officer on the Committee on Standards in Public Life (CSPL) review of local government ethical standards. This was the first full review since the Localism

Act in 2011. The review produced a report which was submitted by the CSPL to the Prime Minister in January 2019, as it included proposed legislative changes. This report can be accessed at the following link:

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

- 5.2 Members will recall the Localism Act 2011 implemented a new process and abolished the previous national body, Standards Board for England. The remaining elements of the previous Standards regime were revoked in July 2012.

Local authorities consequently were given the following duties:

- Duty to promote and maintain high standards of conduct by elected and co-opted members.
- Duty to adopt a Code of Conduct based on Lord Nolan's Principles of Public Life.
- Duty for the local authority to require registration and for members to register and disclose pecuniary interests and such other interests as the local authority may determine.
- Duty to have arrangements in place to investigate allegations and to reach decisions in relation to allegations.
- Duty to appoint at least two Independent Persons whose views must be sought before a decision is reached regarding an allegation of breach of the code.

- 5.3 However, concerns had been raised by the CSPL in various reports following the implementation of the Localism Act 2011, as to whether the sanctions for breach of standards were adequate and that it would therefore be monitoring the implementation of the new local government standards regime. Hence its report being submitted to the Prime Minister.

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

- 5.5 As a reminder the terms of reference for the review were to:

i. Examine the structures, processes and practices in local government in England for:

- Maintaining codes of conduct for local councillors.
- Investigating alleged breaches fairly and with due process.
- Enforcing codes and imposing sanctions for misconduct.
- Declaring interests and managing conflicts of interest.
- Whistleblowing

ii. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;

- iii. Make any recommendations for how they can be improved;
- iv. Note any evidence of intimidation of councillors and make recommendations for any measures that could be put in place to prevent and address such intimidation.

5.5 In formulating a response to this review, a workshop had been held with representatives from Blackpool Council and Fylde Borough Council in 2018 to formulate a joint response outlining the views of both groups and this had been submitted prior to the consultation deadline and shared with Standards Committee members.

5.7 Those Members in attendance at the workshop favoured stronger sanctions being available for Monitoring Officers and Standards Committees to deal with certain areas of misconduct such as bullying and intimidation. Praise was offered for the amount of joint working between Blackpool and Fylde Councils as an example of good practice for other Councils to consider adopting. It was also suggested that there should be a 'model' code of conduct (as existed prior to the Localism Act) to ensure consistency across Councils and also some form of national guidance in relation to registering and declaring interests.

5.8 Members will be aware that the LGA has produced a Model Code of Conduct and recommendations regarding this are the subject of another report on this agenda.

5.9 The Government's response published in March 2022 to the CSPL report is attached in full at Appendix 5(a). In summary the key points from the response are as follows:

(Numbering refers to the CSPL's recommendation numbers and corresponds with Government's response to the Recommendations at Appendix 5(a)).

Recommendation 1 - The recommendation for a model code has been actioned and published by the LGA (*A proposed updated Code of Conduct has been produced based on the Model Code and is subject to a separate agenda item*).

Recommendation 2 - The Government agrees with the principle not to require public disclosure of home addresses for candidates and councillors and will engage with interested parties to ensure such disclosure is not required (whilst noting that it is important to register internally with MO's). See Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. (*This option applies for Blackpool Councillors already, on request to the Monitoring Officer*).

Recommendation 3 - Creating a presumption that a councillor is acting in an official capacity including on publicly accessible social media should be dealt with by use of the code of conduct recognising the boundary between public and private life. No amendment to s27(2) Localism Act 2011

Recommendation 4 - Whilst keeping under review, the Government has no immediate plans to legislate for the code of conduct to apply when a councillor claims to act or gives the impression as acting in their capacity.

Recommendation 5 - Whilst keeping under review, the Government has no immediate plans to amend the Relevant Authorities (Disclosable Pecuniary Interests)

Regulations 2012 to include other interests not currently specified. *(These are currently in the Blackpool Code of Conduct and the proposed updated version).*

Recommendation 6 - It is for local authorities to set gifts and hospitality registration requirements. The Government sees merit in best practice guidance and agrees that the register should be publicly available. *(This is publicly available for Blackpool's councillors on the Council's website).*

Recommendation 7 - Whilst keeping under review, the Government has no immediate plans to repeal s31 Localism Act in respect of participating in discussion or voting at a meeting where an interest, whether registered or not, exists and the interest is reasonably regarded as significant.

Recommendation 8 - The Government does not accept that Independent Persons should be appointed for a fixed term of two years, renewable once, on the basis it would be unworkable. *(The Independent Persons for Blackpool and Fylde Councils are currently part way through a 3 year term of office expiring in February 2024).*

Recommendation 9 - The Government does not agree that the Local Government Transparency Code should include decisions of the Independent Person. It does accept there is merit to the substantive policy suggestion but cautions it depends on the circumstances. *(Under the Elected Member Complaints Handling Procedure agreed in December 2020, then the views of the Independent Person will be made public following a determination by the Standards Committee in the form of a Decision Notice)*

5.4 **Recommendations 10, 12, 13, 14 and 16.** These recommendations were taken all together in the Government's response and covered sanctions, power to establish decision making standards committees, right of appeal to the Local Government Ombudsman and its power to investigate, together with 6-month suspension powers.

The Government has affirmed that the lack of suspension sanction was a deliberate policy decision by the coalition government at the time of the Localism Act, stating that the Standards Board had a 'chilling effect on free speech' and that it would be 'undesirable to have a Government quango to police the free speech of councillors'.

The Government's position is that councillors are 'ultimately held to account via the ballot box' and that the Government has already recommended that every political party 'establish their own code of conduct for party members including elected representatives'.

However, the Government will engage with sector representatives to 'seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour'. (This was a key part of the consultation response by Blackpool and Fylde Borough Councils).

- 5.5 **Recommendation 11** - The Government agrees in principle to the provision of legal indemnity to an Independent Person if their views or advice are disclosed but does not see the need to legislate for this, rather endorsing local authorities who already provide it. *(This is covered for the 3 appointed Independent Persons under Blackpool Council's insurance indemnity).*
- Recommendation 15** - The Government does not believe that there is a requirement to prescribe to local authorities the form and content of Standard Committee annual reports which are better addressed through the sector adopting as best practice a regular pattern of annual reporting by Standards Committees. *(An annual report is produced for this committee which includes the areas specified)*
- Recommendation 17** - The Government will consider further, barring councillors from council premises but notes these are thought to be extremely rare occasions.
- Recommendation 18** - The Government does not agree that criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.
- Recommendation 20 and 21** - relates to Boroughs with Parish Councils.
- Recommendation 22** - The Government agrees in principle to amend The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 to extend disciplinary protections for statutory officers to all disciplinary actions (not just dismissal) and will engage sector representatives of all tiers to seek views on the amendments.
- Recommendation 23** - The Government recommends that local authorities publish their whistleblowing policies and named contact as best practice and the Department for Levelling Up, Housing and Communities will work with Local Government to advance transparency in the sector and support Local Government to solidify transparent policies whilst encourage proactive publication of open data. *(The Council's Whistleblowing Policy is published and has named contacts).*
- Recommendation 24** - The Government is open to further representations on how local accountability can be strengthened and recognises that councillors being listed as prescribed persons for the purposes of the Public Interest Disclosure Act 1998 provides a further check and balance against corruption.

5.6 The Monitoring Officer will speak further on the response of Government at the meeting.

5.7 Does the information submitted include any exempt information? No

5.8 **List of Appendices:**

Appendix 5(a): Government's response to the Committee on Standards in Public Life Report.

6.0 Legal considerations:

6.1 The principal statutory provisions relating to standards of conduct are contained in the Localism Act 2011. S.27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by members and co-opted members of the authority. Paragraphs 7.2 S.27 and s.28 of the 2011 Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about the alleged breach of the Code that has been investigated.

7.0 Human Resources considerations:

7.1 There are no direct human resource implications from the recommendations in this item.

8.0 Equalities considerations:

8.1 None.

9.0 Financial considerations:

9.1 There are no financial implications associated with this report.

10.0 Risk management considerations:

10.1 None.

11.0 Ethical considerations:

11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 None, as this is a document for information.

13.0 Background papers:

13.1 None



Department for Levelling Up,
Housing & Communities

Kemi Badenoch MP

*Minister of State for Equalities and Levelling Up
Communities*

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Dear Lord Evans,

On behalf of the Government, I would like to thank the Committee on Standards in Public Life for its report and the recommendations arising from its review of Local Government Ethical Standards, and to all those who engaged with the Committee's work. Attached is the Government response to the Committee's individual recommendations that were directed at Government.

Vibrant local democracies flourish where the reputation of the local authority is held in high regard, where councillors' decision-making is transparent, valued and trusted by the communities they serve, and where people are willing and confident to put themselves forward as potential candidates. The standards and conduct framework within which local authorities operate must drive out corruption and promote commitment to the principles on standards in public life, and tolerance to the differing views of others. In responding to the review, the Government has taken into account the importance of protecting free speech and freedom of association within the law.

The Government is committed to working with local authorities and their representative organisations to ensure that local government is supported in reinforcing its reputation for ethical local standards.

The fact that this review had been conducted in such a collaborative way with the sector has been apparent from the outset and is borne out in the final report. I am keen that Government builds on the sector-wide enthusiasm for improvement.

The Government agrees with the Committee's conclusion that there have been benefits from local authorities being responsible for ethical standards, including the flexibility and

discretion to resolve standards issues informally. However, we also recognise the role of Government in ensuring that the system is robust.

The number of requests for legislation in the Committee's recommendations to strengthen the standards and conduct framework and its safeguards is considerable. As indicated in this response, the Government believes that some of these suggestions do not need a legislative response but can be more appropriately, effectively, and swiftly taken forward by local authorities as best practice. The Committee will recognise that the Government and Parliament has taken a different view on these matters when it legislated for the Localism Act 2011.

I thank the Committee for their work on the review and for their patience whilst Government carefully considered their recommendations, and I personally look forward to continuing to work with you as Government progresses the commitments made in this response with the sector.

Yours sincerely,

A handwritten signature in black ink that reads "Kemi Badenoch". The signature is written in a cursive, flowing style.

KEMI BADENOCH MP

**Minister of State for Equalities
and Levelling Up Communities**

Government response to the Committee on Standards in Public Life review of local government ethical standards

This Government response confines itself to the Committee's recommendations directed at Government, other than with regards to the first recommendation. The response to recommendations 10, 12, 13, 14 and 16 have been grouped together and therefore appear out of numerical order below.

Recommendation 1

The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.

The Localism Act 2011 states that relevant authorities must promote and maintain high standards of conduct by members and co-opted members. It requires these authorities to adopt a code of conduct for their councillors.¹ Authorities can determine the content of their own code of conduct. However, codes must conform to the seven 'Nolan' principles of standards in public life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. Relevant authorities for the purposes of these requirements include local authorities in England, namely county councils, district councils, London borough councils and parish and town councils.

It is for individual councils to set their own local code, in line with the Act. The Government has previously published a light-touch illustrative code of conduct.

The Local Government Association has worked with sector representative bodies to update its own suggested code of conduct, with the intention that this new suggested code could establish a consistent benchmark that local authorities can amend or add to as they see fit to reflect local circumstances and priorities. The Local Government Association published the updated code of conduct in January 2021. However, it remains a local decision on whether this model code is adopted.

Recommendation 2

The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.

¹ References to councillors in this document also should be deemed to include elected mayors.

This issue was brought up in the Committee's work on intimidation in public life, and the Government has already taken forward several steps in this regard. The Government is open and receptive to further steps to help prevent intimidation.

The Government agrees with the principle behind this recommendation – which safeguards elected representatives - and considers amending the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 would be an option to achieve it.

The Government will engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address.

Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest.

Recommendation 3

Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.

The Government's view is that it is for individual local authorities to consider if their code of conduct is adequate in addressing the issue of inappropriate use of social media.

As the Government outlined to Parliament in March 2021 on tackling intimidation in public life: 'It is important to distinguish between strongly felt political debate on the one hand, and unacceptable acts of abuse, intimidation and violence on the other. British democracy has always been robust and oppositional. Free speech within the law can sometimes involve the expression of political views that some may find offensive': a point that the Government has recognised in a Department for Education policy paper². But a line is crossed when disagreement mutates into intimidation, which refuses to tolerate other opinions and seeks to deprive others from exercising their free speech and freedom of association.'

It is important to recognise that there is a boundary between an elected representative's public life and their private or personal life. Automatically presuming (irrespective of the context and circumstances) that any comment is in an official capacity risks conflating the two.

² Higher education: free speech and academic freedom Feb 2021
<https://www.gov.uk/government/publications/higher-education-free-speech-and-academic-freedom>

Recommendation 4

Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.

The Government agrees that local authority elected representatives should act in good faith in the public interest and not seek to influence decisions for personal gain, for malicious intent or to further the interests of any business or any other organisations which they may be affiliated with.

The Local Government Association have updated their [own suggested code of conduct](#) to state that the code applies when “[a member’s] actions could give the impression to a reasonable member of the public with knowledge of all the facts that [they] are acting as a [member]”.

It is for individual local authorities to ensure that their codes of conducts are regularly updated, comprehensive and fit for purpose. Elected members receive the necessary training to make them aware of their personal responsibilities in upholding the code.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

Recommendation 5

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.

The electorate must have confidence that the decisions of their elected representatives are being made in the best interests of the community they have been elected to serve. Unpaid roles may need to be declared if it is relevant to council business, and councillors should recuse themselves if necessary if discussions relate to private bodies, they are involved in.

The Government is mindful that councillors have a right to a private life, and rights of freedom of association outside their role as a councillor. It is frequently the case that people in public life have a complex pattern of interests and play a variety of roles with different types of organisations, including community interest groups and charities.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

Recommendation 6

Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.

The Local Government Association's suggested code of conduct published in January 2021 includes a requirement for members to "register... any gift or hospitality with an estimated value of at least £50". However, it did not contain any requirements relating to the total value of gifts or hospitality received from the same source over a sustained period.

Local authorities have the autonomy to set gifts and hospitality requirements in their own codes of conduct. The Government accepts that there is merit in best practice guidance on the thresholds for gifts and hospitality and agrees that a register of gifts and hospitality should be publicly available.

Recommendation 7

Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to the matter".

Section 31 of the Localism Act 2011 requires that a councillor must not participate in a discussion or vote on a matter where they have a disclosable pecuniary interest in any matter to be considered at the meeting. Section 30(3) of the Localism Act 2011 further provides that any relevant pecuniary interests of a councillor's spouse or partner are considered as a disclosable pecuniary interest of the councillor.

The Committee's report reflects concerns that the disclosable pecuniary interest arrangements infringe on the privacy of a councillor's spouse or partner. Where there would be a potential conflict of interest, the principle of integrity requires that any such interests should nevertheless be declared and resolved.

The Government will keep this matter under review but has no immediate plans to repeal Section 31 of the Localism Act 2011.

Recommendation 8

The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.

The Government does not accept this recommendation as appropriate for legislation on the basis that it would be likely to be unworkable. The Government's view is that it would be more appropriately implemented as a best practice recommendation for local authorities.

In principle, it may be attractive to limit the terms Independent Persons serve to keep their role and contribution "fresh" and avoid them becoming too closely affiliated with the overriding organisational culture. However, discussions with Monitoring Officers indicate that in practice most local authorities would likely find servicing this rate of turnover unachievable. There is frequently a small pool of people capable and willing to undertake the role, who also fit the stringent specifications of being amongst the electorate, having no political affiliation, no current or previous association with the council, and no friends or family members associated with the council.

When local authorities have found effective Independent Persons who demonstrate the capability, judgement and integrity required for this quite demanding yet unpaid role, it is understandable that they may be reluctant to place limitations on the appointment.

Recommendation 9

The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.

The Government does not agree with this. The Local Government Transparency Code is a statutory requirement to publish information; it does not regulate the content of councils' minutes or decision notices.

The substantive policy suggestion has merit but will depend on circumstances. In cases where there is no case to answer from an unfounded complaint, it should not necessarily be a legal requirement to publish details of that unfounded complaint.

Recommendation 10

A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding or a breach and that suspending the councillor would be a proportionate sanction.

Recommendation 12

Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.

Recommendation 13

Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.

Recommendation 14

The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, an appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.

Recommendation 16

Local authorities should be given the power to suspend councillors, without allowances, for up to six months.

There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct, and this was a deliberate policy decision by the Coalition Government at the time of the Localism Act 2011 to differentiate from the previous, failed Standards Board regime. The Standards Board regime allowed politically motivated and vexatious complaints and had a chilling effect on free speech within local government. These proposals would effectively reinstate that flawed regime.

It would be undesirable to have a government quango to police the free speech of councillors; it would be equally undesirable to have a council body (appointed by councillors, and/or made up of councillors) sitting in judgment on the political comments of fellow councillors.

On the rare occasions where notable breaches of the code of conduct have occurred, local authorities are not without sanctions under the current regime. Councillors can be barred from Cabinet, Committees, or representative roles, and may be publicly criticised. If the elected member is a member of a political group, they would also expect to be subject to party discipline, including being removed from that group or their party. Political parties are unlikely to reselect councillors who have brought their group or party into disrepute. All councillors are ultimately held to account via the ballot box.

As part of the Government's response to the Committee's report on intimidation in public life, the Government recommended that every political party establish their own code of conduct for party members, including elected representatives.

The Government will engage with sector representative bodies of councillors and officers of all tiers of local government to seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour.

Recommendation 11

Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.

The Government agrees in principle.

Initial soundings with the sector indicate that some local authorities already provide legal indemnity for Independent Persons.

The Government endorses providing legal indemnity for Independent Person as local authority best practice but does not currently see the need to require this through secondary legislation.

Recommendation 15

The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g., bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.

The Government believes that this is better addressed through the sector adopting as best practice a regular pattern of annual reporting by Standard Committees of the cases and complaints handled and would encourage this as best practice by the sector.

The Government does not believe that there is a requirement to prescribe to local authorities the form and content of such Standard Committee annual reports.

Recommendation 17

The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.

The criminal law, overseen by the police and courts, provides for more appropriate and effective action against breaches of public order, for anti-social behaviour, and against harassment.

The occasion where councils would seek to bar councillors from council premises are thought to be extremely rare. We will consider this further.

Recommendation 18

The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

It is a criminal offence to fail to declare pecuniary interests, which acts as a strong deterrent against corruption.

The Government does not agree with this recommendation, but rather believes the criminal offence of a non-disclosure of pecuniary interest to be a necessary and proportionate safeguard and deterrent against corruption.

The high bar of police involvement has served to discourage politically motivated and unfounded complaints.

Recommendation 20

Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.

The Government does not agree that this is necessary and has no plans to repeal Section 27(3) of the Localism Act 2011.

The Government considers that the adoption of the principal authority's code or the new model code is a matter for local determination.

There are merits in achieving consistency within principal authority areas to eliminate potential confusion amongst constituents and elected members but there may be instances where a parish council may want to add to the code of their principal authority to reflect local circumstances.

Recommendation 21

Section 28 (11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.

The Government has no current plans to repeal Section 28 (11) of the Localism Act 2011 but will give this matter further consideration.

Recommendation 22

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.

The three statutory officers in local government are the Monitoring Officer, the Head of Paid Service (Chief Executive) and the Chief Finance Officer (often referred to as the Section 151 Officer).

Under the current disciplinary arrangements for statutory officers, any decision to dismiss a statutory officer must be taken by full council, following a hearing by a panel that must include at least two Independent Persons. The Committee consider that the disciplinary protections for statutory officers should be enhanced, by extending disciplinary protections to all disciplinary actions (such as suspension or formal warnings), not just dismissal.

The Government agrees in principle with this recommendation and recognises this will be pertinent to Monitoring Officers who may not necessarily be afforded the same seniority in the organisational hierarchy of a local authority as the two other statutory officers (Head of Paid Service and the Section 151 Officer), and who may be subject to personal pressures when conducting high profile breach of conduct investigations.

The Government will engage with sector representative bodies of all tiers of local government to seek views on amending the Local Authorities (Standing Orders) (England)(Amendment) Regulations to provide disciplinary protections for statutory officers.

Recommendation 23

The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.

The Government agrees with the principle that openness is essential.

Most local authorities already publish their whistleblowing policy, procedures and a named contact on their websites, and Government is recommending that this is adopted as a best practice recommendation.

The Government published the UK National Action Plan for Open Government 2021 – 2023 in January 2022. This includes a commitment on local transparency.³ The Department for Levelling Up Housing and Communities (DLUHC) will work with the local government community to develop a set of specific actions to advance transparency in the sector. DLUHC will support local government to solidify their transparency policies and processes and encourage proactive publication of open data across councils.

Recommendation 24

Councillors should be listed as ‘prescribed persons’ for the purposes of the Public Interest Disclosure Act 1998.

Prescribed persons are individuals or organisations that a worker may approach outside their workplace to report suspected or known wrongdoing and still be protected by the rights afforded to them under whistleblowing legislation. They are prescribed by an order made by the Secretary of State (for Business, Energy and Industrial Strategy) for this purpose. A complete list of prescribed persons is available here: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

Local councillors would not meet the criteria of being external to an individual’s workplace in relation to matters affecting the council and could therefore not be considered as a ‘prescribed person’ for the purposes of the Public Interest Disclosure Act 1998. Disclosures relating to local authorities can be made to the external auditor of the relevant authority, the Comptroller and Auditor General (National Audit Office), or a Member of Parliament.

However, the Government recognises that this may provide a further check and balance against council corruption or wrongdoing and is open to further representations on the matter on how local accountability can be strengthened in this regard.

³ <https://www.gov.uk/government/publications/uk-national-action-plan-for-open-government-2021-2023/uk-national-action-plan-for-open-government-2021-2023#local-transparency>