

# Public Document Pack

## NORTH LINCOLNSHIRE COUNCIL

### STANDARDS COMMITTEE

14 July 2022

**Chairman:** Councillor Neil Poole

**Venue:** Conference Room,  
Church Square House

**Time:** 2.00 pm

**E-Mail Address:**  
Dean.Gillon@northlincs.gov.uk

### AGENDA

1. Substitutions (if any)
2. Declarations of Disclosable Pecuniary Interests and Personal or Personal and Prejudicial Interests.
3. To take the minutes of the meeting of the Standards Committee held on 16 March 2022 as a correct record and authorise the chairman to sign. (Pages 1 - 2)
4. Annual Report 2021 / 2022 (Pages 3 - 10)
5. Standards Committee - co-opted member (Pages 11 - 12)
6. Government Response to CSPL review of Local Government Ethical Standards (Pages 13 - 28)
7. Complaints Schedule - Update. (Pages 29 - 34)
8. Any other items which the Chairman decides are urgent by reason of special circumstances which must be specified.

**Note: Reports are by the Director: Governance & Communities unless otherwise stated.**

This page is intentionally left blank

# Public Document Pack Agenda Item 3

## NORTH LINCOLNSHIRE COUNCIL

### STANDARDS COMMITTEE

16 March 2022

**PRESENT: -**

T Foster, J England (Vice-Chair), M Ali, C O'Sullivan and D Wells

The meeting was held at the Conference Room, Church Square House.

**390 SUBSTITUTIONS (IF ANY)**

Cllr Foster substituted for Cllr Poole. Cllr England thereafter assumed the Chair.

**391 DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS.**

There were no declarations of disclosable pecuniary interests and personal or personal and prejudicial interests made at the meeting.

**392 TO TAKE THE MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE HELD ON 10 NOVEMBER 2021 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN.**

**Resolved** – That the minutes of the meeting of this committee held on 10 November 2021, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

**393 STANDARDS TRAINING SESSION - 29 MARCH 2022, 2PM**

The Monitoring Officer gave a verbal update on the forthcoming standards training that had been offered to all town and parish councils across North Lincolnshire. It was confirmed that the session had been designed primarily for new members and clerks, but that it was open to all.

The Monitoring Officer confirmed that the session would cover the Code of Conduct and the local Standards Arrangements, and the amendments agreed by the Standards Committee in November 2021 would be described.

All members of the Standards Committee had received an invitation.

**394 COMPLAINTS SCHEDULE - UPDATE.**

The Director: Governance & Partnerships submitted a report updating the Standards Committee on progress made on all outstanding complaints and any relevant issues related to the Complaints Schedule. It was confirmed that a Standards Assessment Panel meeting would be held on the rising of the

**STANDARDS COMMITTEE**  
**16 March 2022**

Standards Committee meeting.

**Resolved** - That the report be noted

395 **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES WHICH MUST BE SPECIFIED.**

There were no items for consideration at the meeting.

Report of the Director:  
Governance and Communities

Agenda Item  
Meeting: 14 July 2022

## **NORTH LINCOLNSHIRE COUNCIL**

### **STANDARDS COMMITTEE**

#### **STANDARDS COMMITTEE - ANNUAL REPORT 2021/2022**

##### **1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To consider the annual report of the Standards Committee under the Council's standards regime for the period 1 July 2021 to 30 June 2022.

##### **2. BACKGROUND INFORMATION**

- 2.1 This report attached (as appendix 1) is the tenth annual report of the Standards Committee under its standards regime and associated published Standards Arrangements following the Localism Act 2011. The report covers the period 1 July 2021 to 30 June 2022 and details the work and activities of the Standards Committee throughout that time.
- 2.2 The report is presented to the Standards Committee for discussion and to take any action the Committee deems necessary. Typically, the Committee requests that, upon approval, the Monitoring Officer provide a copy to all Town and Parish Councils in the area. The agreed report will also be submitted to Council in accordance with the requirements of the Council's Annual Governance Statement.
- 2.3 Following receipt of this report by Council, the Monitoring Officer will provide the annual training sessions to town and parish members using the report to inform the itinerary.

##### **3. OPTIONS FOR CONSIDERATION**

- 3.1 The Committee may wish to consider ongoing developments, current trends, and other methods to ensure that the local standards regime remains robust.

4. **ANALYSIS OF OPTIONS**

4.1 There are no recommended options, but members may wish to explore specific actions. Officers will be on hand to provide advice and guidance.

5. **FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

5.1 The financial, practical and resource implications arising from supporting local standards arrangements are co-ordinated by the Monitoring Officer and his staff, and are overseen by the Standards Committee.

6. **OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

6.1 Allegations of potential criminal wrongdoing are passed to Humberside Police for consideration. A referral pathway has been in place for several years and has proven effective.

6.2 Equalities issues under the Equalities Act 2010 have been considered and are not thought to be relevant to consideration of this report. The standards regime remains open to all.

6.3 This report helps to promote the aims of the Council Plan by supporting the “enabling communities to flourish” priority. It also compliments the promises in the Council Plan to “maintain high standards” and to “be open, trustworthy and honest”.

6.4 There are no environmental issues related to this report.

7. **OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

7.1 The completion of an Integrated Impact Assessment is not required.

8. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

8.1 The Standards Committee regularly responds to consultations on standards issues.

8.2 Regular contact is maintained with elected councillors and clerks of all Town and Parish Councils in North Lincolnshire, including through the annual provision of training.

8.3 There are no conflicts of interest identified.

## 9. RECOMMENDATIONS

- 9.1 That the Standards Committee consider the draft report, taking action as deemed appropriate.
- 9.2 That the Standards Committee consider requesting that the Monitoring Officer provide a copy of the approved report be forwarded to all Town and Parish Councils in the area.
- 9.3 That the Standards Committee request the Monitoring Officer to submit the approved annual report to Council for further discussion, in accordance with the requirements of the Council's Annual Governance Statement.

DIRECTOR OF GOVERNANCE & COMMUNITIES

Church Square House  
SCUNTHORPE  
North Lincolnshire  
DN15 6NL

Author: Dean Gillon / Will Bell

Date: 22 June 2022

**Background Papers used in the preparation of this report –**

Published Standards Arrangements  
Standards Committee – Annual Report 2020/19

This page is intentionally left blank



# **NORTH LINCOLNSHIRE COUNCIL**

## **STANDARDS COMMITTEE**

### **ANNUAL REPORT**

**2021/22**

This report represents the tenth annual report of the Standards Committee under the Council's Standards regime following the Localism Act 2011 and covers the period 1 July 2021 to 30 June 2022.

#### **Membership**

The Council determined that a Committee comprising five elected members and one non-voting co-opted member should be established to oversee its Standards arrangements. In addition, the three Independent Persons would be invited to attend each Committee. Accordingly, the following served on the Committee from May 2021 to the end of the municipal year 2022.

Councillor Neil Poole (Conservative) (Chairman)  
Councillor John England (Conservative) (Vice – Chairman)  
Councillor Mashook Ali (Labour)  
Councillor Christine O'Sullivan (Labour)  
Councillor David Wells (Conservative)  
Sue Wroe (non-voting co-opted Member) Position now vacant.

#### **Role of Committee**

The main role of the Standards Committee is to promote and maintain high standards of conduct, and to set an example to other bodies it works with and to the community at large. The Standards Committee promotes, educates and supports members in following the highest standards of conduct and ensuring that those standards are fully owned locally.

The role remains not just about enforcing the Code of Conduct, but also ensuring effective working relationships between both members and staff, and externally with the public and other stakeholders.

Under the Council's Standards Arrangements, the Committee may convene sub-committees in the form of Assessment Panels to consider complaints, and Hearings Panels to determine complaints that have been investigated.

The Standards Arrangements enable the Council to retain responsibility for receiving and determining complaints against both North Lincolnshire Council members and Town and Parish Council members.

## **Terms of Reference**

- (a) Promoting and maintaining high standards of conduct by members and co-opted members as defined under section 27 of the Localism Act 2011 ('Act').
- (b) Assisting members and co-opted members to observe the Code of Conduct adopted by the Council pursuant to section 28 of the Act.
- (c) Advising the Council on the amendment or revision of the Code of Conduct and the appointment or removal of the Independent Person/s.
- (d) Monitoring the operation of the Code of Conduct and the 'Arrangements' and making appropriate revisions to the 'Arrangements' as considered necessary.
- (e) Advising, training or arranging to train members, co-opted members and Independent Person/s on matters relating to the Code of Conduct and the Arrangements.
- (f) Granting dispensations to members and co-opted members pursuant to the provisions of section 33 (b), (c) and (e) of the Act and on such other grounds as referred by the Monitoring Officer.
- (g) Dealing with any referrals as considered appropriate by the Monitoring Officer and to receive regular reports from the Monitoring Officer on the discharge of any relevant delegations afforded to that position.
- (h) To consider any complaints relating to an alleged breach of the Code of Conduct in accordance with the 'Arrangements' and to convene, as appropriate, sub-committees ('Assessment Panels') to consider such matters.
- (i) To make determinations in respect of complaints that members and co-opted members of the Council and Parish and Town Councils in the area may have breached the Code of Conduct and to convene, as appropriate, sub-committees ('Hearings Panels') to consider such matters and to impose, or recommend the imposition of, the sanctions detailed in the 'Arrangements'.
- (j) To deal with the grant of exemptions from political restriction in respect of any post holder and give directions on any post to be included in the list of politically restricted posts maintained by the authority.

## **Code of Conduct**

Under its Standards Arrangements, the Council had developed and adopted its own locally based Code of Conduct, which is compliant with the Nolan principles and incorporates the statutory requirements concerning Disclosable Pecuniary Interests.

Although free to adopt their own Codes of Conduct, all of the Town and Parish Councils in the area had elected to adopt the Council's Code of Conduct, which assists in encouraging uniform and consistent application across the area.

## **Complaints**

During the period covered by this report (1 July 2021 to 30 June 2022) 34 new complaints were received involving members, compared to 23 in 2020/2021, 8 in 2019/2020, and 29 in 2018/19. This was the highest number of complaints received in a 12 month period.

Of the above 34 complaints, 25 were assessed by an Assessment Panel and five complaints were determined by the Monitoring Officer, each following consultation with the Independent Person. Three complaints were in the process of being assessed, and one had been withdrawn. There were three Assessment Panel meetings and two Hearings Panel meetings in 2021/22.

Of the 34 complaints, 25 related to members of Town or Parish Councils, with the remaining nine complaints being made against members of North Lincolnshire Council.

Five town or parish councils were named in more than one complaint in 2021/22 (total of 15 complaints), with the remaining nine being related to various individual Town or Parish Councils.

Six complaints related to more than one individual, whereas the remaining 28 complaints received throughout 2020/21 related to an individual.

Of the 25 complaints considered by an Assessment Panel in 2021/22, no further action was taken on 19 and six were referred for investigation. Of the five complaints assessed by the Monitoring Officer in 2021/22, in consultation with the Independent Person, no further action was taken on two, a recommendation of mediation was made on two, and one was referred for investigation.

The complaints related to a wide range of alleged breaches of the Code of Conduct including failure to treat with respect and courtesy; bullying or intimidation, disrepute, using their position as a member to improperly confer an advantage, compromising the impartiality of officers, and failure to declare interests.

The marked increase of complaints received in recent years has continued, with 34 complaints received, compared to 8 complaints received in 2019/20. The number of complaints in 2021/22 was the highest since the Standards Committee was established in 2012, and the number of complaints referred for investigation (seven in 2021/22) was also the highest ever.

Despite this, encouragingly, there have been no complaints in 2021/22 concerning a failure to declare Disclosable Pecuniary Interests that have required the Standards Committee to formally refer to Humberside Police for investigation, although advice has been sought on a limited number of occasions.

## **Other Issues**

Last year's annual report was, once again, provided to all Town and Parish Councils and was referred to in the associated Standards Arrangements and Code of Conduct training provided for clerks, newly elected/co-opted and other town and parish councillors at sessions provided by the Monitoring Officer on 29 March 2022.

The 29 March 2021 session was delivered online for the second time, with positive feedback. The session was recorded, with a link subsequently distributed to all town and parish clerks. As such, online sessions are likely to continue to be an option to be incorporated into the annual training programme in the future

Throughout 2021/22, the three Independent Persons (Mr Forbes, Mr Johnson, and Dr Harvie) and the statutory co-opted member (Ms Wroe) continued to contribute in an invaluable and constructive manner to the Committee's work, including the assessment and hearing of complaints. The appointments of the Independent Persons were recently re-approved by council at its Annual General Meeting. The co-opted member resigned in September 2021, and options for maintaining a co-opted member are currently under consideration by the Standards Committee.

Much of the Standards Committee's work throughout 2021/22 related to the new LGA Model Code of Conduct for Councillors. Further guidance was received from the LGA on the Code's application and Members considered amendments to the existing Code of Conduct and local arrangements in September 2021 and November 2021. These amendments were agreed by the Standards Committee on 10 November 2021, and their subsequent recommendation to Council was approved on 14 December 2021. The revised Code and Arrangements were subsequently sent to all town and parish councils.

The Standards Committee also agreed to extend the dispensation for elected members involved in the steel industry to enable them to continue to participate in discussions involving this critical industry to North Lincolnshire.

The Monitoring Officer continued to meet regularly with the Monitoring Officer of North East Lincolnshire Council, and hold discussions with the East Riding and Northern Lincolnshire Local Councils Association (ERNLLCA). Dialogue with the three Independent Persons continues, in order to review existing practice and keep abreast of national and regional developments.

The Council also continues to be a member of the Standards Exchange; a specialist website set up by ex-Standards for England investigators as a platform to share good practice and keep updated on national standards related developments.

Will Bell  
Monitoring Officer  
June 2022

Report of the Director:  
Governance and Communities

Agenda Item No:  
Meeting: 14 July 2022

## **NORTH LINCOLNSHIRE COUNCIL**

### **STANDARDS COMMITTEE**

#### **Standards Committee – Co-opted Member**

#### **1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To consider future arrangements for a co-opted member on the Standards Committee.

#### **2. BACKGROUND INFORMATION**

- 2.1 For many years, the Standards Committee has appointed a co-opted, non-voting member to its membership. The most recent member, Mrs Wroe, resigned from this position on 15 September 2021. The position has been vacant since this time.
- 2.2 There is no statutory requirement to appoint a co-opted member to the Standards Committee.

#### **3. OPTIONS FOR CONSIDERATION**

- 3.1 To seek a new co-opted member and appoint them to the Standards Committee.
- 3.2 To recommend the removal of the co-opted member from the membership of the Standards Committee.

#### **4. ANALYSIS OF OPTIONS**

- 4.1 Appointing a new co-opted member would continue the previous arrangement. Co-opted members can add an independent voice to the Committee's membership.
- 4.2 Removing the co-opted member from the membership of the Standards Committee would streamline the Committee's working arrangements. The three Independent Persons are invited to all meetings of the Standards Committee, ensuring the continued independent voice.

**5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

5.1 There would be a modest financial saving in not appointing a new co-opted member.

5.2 An open and transparent recruitment process, similar to that used when filling Independent Person vacancies, would be undertaken should the Committee to determine that the vacancy is filled.

**6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

6.1 Any amendments to the membership of the Standards Committee would need to be ratified by Council.

**7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

7.1 Not applicable.

**8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

8.1 No conflict of interest has been identified.

**9. RECOMMENDATION**

9.1 That the Standards Committee consider the options at paragraph 3 and determine its position on the current co-opted member vacancy.

DIRECTOR: GOVERNANCE & COMMUNITIES

Church Square House  
30-40 High Street  
SCUNTHORPE  
North Lincolnshire  
DN16 5NL  
Author: Will Bell / Dean Gillon  
Date: 22 June 2022

Report of the Director:  
Governance and Communities

Agenda Item  
Meeting: 14 July 2022

## **NORTH LINCOLNSHIRE COUNCIL**

### **STANDARDS COMMITTEE**

#### **GOVERNMENT RESPONSE TO THE COMMITTEE ON STANDARDS IN PUBLIC LIFE REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS**

##### **1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To note the Government's recent response to the Committee on Standards in Public Life's 2019 Review of Local Government Ethical Standards.
- 1.2 To consider whether there are implications for the Standard's Committee's role, including the Code of Conduct and local arrangements.

##### **2. BACKGROUND INFORMATION**

- 2.1 This Committee on Standards in Public Life (CSPL) completed their review of Local Government Ethical Standards in January 2019, making a set of 26 recommendations that the CSPL believed would "enable councillors to be held to account effectively and [...] enhance the fairness and transparency of the standards process".
- 2.2 Kemi Badenoch MP, Minister of State for Equalities and Levelling Up Communities, responded on behalf of H M Government on 18 March 2022. The response was in the form of a covering letter and individual responses to the CSPL's 19 recommendations. This letter is included as Appendix 1 to this report.

##### **3. OPTIONS FOR CONSIDERATION**

- 3.1 The Government did not accept the majority of CSPL's recommendations but expressed willingness to work with those in the sector to continue to explore opportunities to improve the existing standards systems.

4. **ANALYSIS OF OPTIONS**

4.1 There are no recommended options, but members may wish to assure themselves of current practices and explore specific actions with the Monitoring Officer.

5. **FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

5.1 There are no financial or other resource implications arising from this response.

6. **OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

6.1 The Council's Annual Governance Statement recognises the importance of having in place a robust ethical standards framework to help promote high standards of ethical conduct by members. This report supports this aim by apprising members of H M Government's response to the national review of Local Government Ethical Standards.

6.4 There are no other relevant implications related to this report.

7. **OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

7.1 The completion of an Integrated Impact Assessment is not required.

8. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

8.1 The CSPL consulted widely on their work on Local Government Ethical Standards. The Standards Committee considered the consultation document on 21 March 2018 (minute 209 refers), replying to CSPL on 28 March 2018.

8.2 There are no conflicts of interest identified.

9. **RECOMMENDATIONS**

9.1 That the Standards Committee note H M Government's response to the CSPL's Review of Local Government Standards.

DIRECTOR OF GOVERNANCE & COMMUNITIES

Church Square House



SCUNTHORPE

North Lincolnshire

DN15 6NL

Author: Dean Gillon / Will Bell

Date: 22 June 2022

**Background Papers used in the preparation of this report –**

CSPL Review of Local Government Ethics (2019)

Government Response to Recommendations from CSPL (2022)

This page is intentionally left blank



Department for Levelling Up,  
Housing & Communities

**Kemi Badenoch MP**

*Minister of State for Equalities and Levelling Up  
Communities*

***Department for Levelling up, Housing and  
Communities***

Fry Building  
2 Marsham Street  
London  
SW1P 4DF

Lord Evans of Weardale, KCB, DL  
Chair Committee on Standards in Public Life  
Room G07  
1 Horse Guards Road  
London  
SW1A 2HQ

Email: [kemi.badenoch@levellingup.gov.uk](mailto:kemi.badenoch@levellingup.gov.uk)

[www.gov.uk/dluhc](http://www.gov.uk/dluhc)

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.<sup>1</sup> 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.**

---

<sup>1</sup> 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 paper<sup>2</sup>. 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.

---

<sup>2</sup> 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.<sup>3</sup> 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.

---

<sup>3</sup> <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>

Complaint	Complainant	Complaint against	Received	Assessed	Outcome
SC/20/01	Three members of the public	Member of Garthorpe & Fockerby Parish Council	28 February 2020	29 July 2020	Investigation and Hearing – now concluded
SC/20/02	Member of the public	Member of Kirton in Lindsey Town Council	9 March 2020	10 June 2020	None
SC/20/03	Member of the public	Member of North Lincolnshire Council	27 May 2020	11 November 2020	None
SC/20/04	Member of the public	Member of North Lincolnshire Council	17 June 2020	29 July 2020	None
SC/20/05	Member of the public	Member of North Lincolnshire Council	6 July 2020	29 July 2020	None
SC/20/06	Member of the public	Two members of North Lincolnshire Council	14 October 2020	15 December 2020	None
SC/20/07	Member of the public	Member of South Killingholme Parish Council	21 October 2020	15 December 2020	None
SC/20/08	Member of Barrow-upon-Humber Parish Council	Two members of Barrow-upon-Humber Parish Council	28 October 2020	11 November 2020	Recommendation of mediation
SC/20/09	Member of Barrow-upon-Humber Parish	Member of Barrow-upon-Humber Parish Council	16 November 2020	14 January 2021	Investigation, now concluded due to

	Council				resignation
SC/20/10	Officer of Goxhill Parish Council	Member of Goxhill Parish Council	18 November 2020	14 January 2021	Breach found
SC/20/11	Member of Barrow-upon-Humber Parish Council	Member of Barrow-upon-Humber Parish Council	23 November 2020	14 January 2021	Investigation, now withdrawn
SC/20/12	Three Members of Epworth Town Council	Three Members of Epworth Town Council	23 December 2020	16 February 2021	2 members – none 1 member – investigated but no breach found
SC/21/01	Member of Goxhill Parish Council	Member of Goxhill Parish Council	12 January 2021	16 February 2021	Breach found
SC/21/02	Officer of Epworth Town Council	Member of Epworth Town Council	10 February 2021	25 March 2021	None
SC/21/03	Member of the public	Member of Garthorpe & Fockerby Parish Council	16 February 2021	29 June 2021	None
SC/21/04	Member of the public	Two members of Haxey Parish Council	03 March 2021	15 April 2021	None
SC/21/05	Member of the public	Member of South Ferriby Parish Council	04 March 2021	29 June 2021	None
SC/21/06	Member of the public	Member of North Lincolnshire Council	19 March 2021	29 June 2021	None
SC/21/07	Member of the public	Member of North Lincolnshire Council	23 March 2021	8 July	None
SC/21/08	Member of the public	Member of North Lincolnshire Council	23 March 2021	8 July	None



SC/21/09	Member of Broughton Town Council	Member of Broughton Town Council	26 March 2021	29 June 2021	None
SC/21/10	Member of North Lincolnshire Council	Two members of North Lincolnshire Council	19 April 2021	8 July 2021	None
SC/21/11	Member of North Lincolnshire Council	Two members of North Lincolnshire Council	19 April 2021	8 July 2021	Breach found
SC/21/12	Member of the public	Member of Worlaby Parish Council	22 April 2021	8 July 2021	None
SC/21/13	Member of the public	Thirteen members of Haxey Parish Council	29 April 2021	8 July 2021	None
SC/21/14	Member of the public	Two members of Burton upon Stather Parish Council	12 May 2021	8 July 2021	None
SC/21/15	Member of the public	Member of Burton upon Stather Parish Council	9 June 2021	8 July 2021	None
SC/21/16	Member of Goxhill Parish Council	Member of Goxhill Parish Council	9 July 2021	1 September 2021	None
SC/21/17	Member of Kirton upon Lindsey Town Council	Member of Kirton upon Lindsey Town Council	9 July 2021	1 September 2021	None
SC/21/18	Member of Kirton upon Lindsey Town Council	Member of Kirton upon Lindsey Town Council	9 July 2021	1 September 2021	Investigation
SC/21/19	Member of the public	Member of Kirton upon Lindsey Town Council	9 July 2021	1 September 2021	None
SC/21/20	Member of Kirton upon Lindsey Town Council	Member of Kirton upon Lindsey Town Council	13 July 2021	1 September 2021	None
SC/21/21	Member of Belton Parish Council	Three Members of Belton Parish Council	15 July 2021	1 September 2021	None
SC/21/22	Member of Belton Parish Council	Three Members of Belton Parish Council	15 July 2021	1 September 2021	None
SC/21/23	Member of Belton Parish Council	Member of Belton Parish Council	19 August 2021	1 September 2021	None
SC/21/24	Member of Belton Parish Council	Three Members of Belton Parish Council	19 August 2021	27 September 2021	Recommendation of mediation
SC/21/25	Member of the public	Member of North Lincolnshire Council	23 August 2021	1 September 2021	None

SC/21/26	Member of Belton Parish Council	Three Member of Belton Parish Council	16 September 2021	14 October 2021	Investigation
SC/21/27	Member of Owston Ferry Parish Council	Member of Owston Ferry Parish Council	13 October 2021	15 December 2021	Investigation
SC/21/28	Member of Burringham Parish Council	Member of North Lincolnshire Council	25 October 2021	15 December 2021	None
SC/21/29	Member of Belton Parish Council	Member of Belton Parish Council	25 October 2021	15 December 2021	Investigation
SC/21/30	Member of the public	Member of Burton upon Stather Parish Council	25 October 2021	15 December 2021	Investigation
SC/21/31	Member of Burton upon Stather Parish Council	Member of Burton upon Stather Parish Council	9 November 2021	15 December 2021	Investigation
SC/21/32	Member of the public	Member of Flixborough Parish Council	11 November 2021	15 December 2021	None
SC/21/33	Member of North Lincolnshire Council	Member of North Lincolnshire Council	11 November 2021	15 December 2021	Investigation
SC/21/34	Member of the public	Member of Belton Parish Council	16 November 2021	15 December 2021	None
SC/21/35	Member of Epworth Town Council	Member of North Lincolnshire Council	18 November 2021	15 December 2021	None
SC/21/36	Member of the public	Member of North Lincolnshire Council	22 November 2021	16 March 2022	None
SC/21/37	Member of the public	Member of North Lincolnshire Council	6 December 2021	16 March 2022	None
SC/22/01	Member of North Lincolnshire Council	Five Members of North Lincolnshire Council	13 January 2022	16 March 2022	None
SC/22/02	Member of the public	Member of Goxhill Parish Council	18 January 2022	16 March 2022	None
SC/22/03	Member of North Lincolnshire Council	Member of North Lincolnshire Council	19 January 2022	16 March 2022	None
SC/22/04	Member of North Lincolnshire Council	Member of North Lincolnshire Council	19 January 2022	16 March 2022	None
SC/22/05	Member of the public	Member of Worlaby Parish	2 February 2022	16 March 2022	None

		Council			
SC/22/06	Officer of Brigg Town Council	Member of Brigg Town Council	23 March 2022	20 April 2022	Recommendation of mediation
SC/22/07	Member of Owston Ferry Parish Council	Member of Owston Ferry Parish Council	4 April 2022	27 April 2022	None
SC/22/08	Member of Owston Ferry Parish Council	Member of Owston Ferry Parish Council	20 April	20 May 2022	None
SC/22/09	Monitoring Officer	Member of Goxhill Parish Council	20 May 2022		Withdrawn
SC/22/10	Member of North Lincolnshire Council	Member of Epworth Town Council	25 May 2022		
SC/22/11	Member of the public	Six Members of South Ferriby Parish Council	6 June 2022		
SC/22/12	Member of the public	Member of Crowle and Ealand Town Council	30 June 2022		

This page is intentionally left blank