



**STANDARDS COMMITTEE**

**TUESDAY, 23 APRIL 2019**

**10.45 AM (OR AT THE CONCLUSION OF THE CABINET, WHICHEVER IS THE LATER)**  
**COMMITTEE ROOM, COUNTY HALL, LEWES**

**MEMBERSHIP** - Councillor Richard Stogdon (Chair)  
Councillors Colin Belsey, Godfrey Daniel, Laurie Loe, Ruth O'Keeffe,  
Barry Taylor and David Tutt

**A G E N D A**

- 1 Minutes of meeting held on 24 April 2018 (*Pages 3 - 4*)
- 2 Apologies for absence
- 3 Disclosure of Interests  
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent items  
Notification of any items which the Chair considers urgent and proposes to take at the appropriate part of the agenda
- 5 Code of Conduct for Members - proposed amendments (*Pages 5 - 24*)  
Report by Assistant Chief Executive
- 6 Annual Report (*Pages 25 - 28*)  
Report by the Assistant Chief Executive
- 7 Any other items considered urgent by the Chair

PHILIP BAKER  
Assistant Chief Executive  
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11 April 2019

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## STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held at Committee Room, County Hall, Lewes on 24 April 2018.

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PRESENT Councillors Colin Belsey, Stuart Earl, Richard Stogdon (Chair), Barry Taylor and David Tutt

ALSO PRESENT Councillor Keith Glazier

### 6 MINUTES OF MEETING HELD ON 6 JUNE 2017

6.1 It was RESOLVED to approve the minutes of the last meeting of the Committee held on 6 June 2017 as a correct record

### 7 REPORTS

7.1 A copy of the reports referred to below are included in the minute book

### 8 ANNUAL REPORT

8.1 The Committee considered a report by the Assistant Chief Executive that provided an update in relation to Member conduct issues and the work of the Standards Committee.

8.2 It was RESOLVED to:

(1) to note the report: and

(2) agree the report for submission to the County Council for consideration

### 9 CONSULTATION ON THE COMMITTEE ON STANDARDS IN PUBLIC LIFE LOCAL GOVERNMENT ETHICAL STANDARDS

9.1 The Committee considered a report by the Assistant Chief Executive regarding a proposed response to the Committee on Standards in Public Life consultation on local government ethical standards.

9.2 The Committee RESOLVED to approve the County Council's response to the Committee on Standards in Public Life consultation on local government ethical standards as set out in the report

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Report to: **Standards Committee**

Date: **23 April 2019**

Title of report: **Proposed amendments to the Code of Conduct for Members**

By: **Assistant Chief Executive**

Purpose of report: **To provide an update on Member Conduct issues in light of recommendations from the Committee on Standards in Public Life**

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## RECOMMENDATIONS

The Standards Committee is recommended to:

- 1) review the proposed amendments to the Code of Conduct and consider whether to suggest any further amendments to the Code; and
  - 2) recommend the County Council to agree to the amendments to the Code of Conduct as set out in Appendix 2
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### 1. Standards in Public Life Local Government Ethical Standards

1.1 In April 2018 the County Council responded to consultation on local government ethical standards. The terms of reference for the review were to:

a) 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;

b) assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;

c) make any recommendations for how they can be improved; and

d) 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.

1.2 The Committee on Standards in Public Life has published its report following the consultation. The Committee considered whether there is a need for a centralised body to govern and adjudicate on standards. It has concluded that whilst the consistency and independence of the system could be enhanced, there is no reason to reintroduce a centralised body, and that local authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government. The Committee has made a number of recommendations and identified best practice to improve ethical standards in local government. The Committee's recommendations are made to government and a number of changes to primary legislation, which would be subject to Parliamentary timetabling, but also to secondary legislation would be required.

The Committee's report is available via the following link: [Local Government Ethical Standards](#). The Committee's best practice recommendations for local authorities are to be considered a benchmark of good ethical practice. It is expected that these should be implemented by 2020.

1.3 The 15 best practice recommendations are set out in Appendix 1 of the report. This appendix provides a brief summary in relation to the current position in East Sussex for each of the best practice recommendations. Recommendations 1 and 2 of the best practice guide require the Code of Conduct adopted by the Council to be amended. The current Code has been adopted by the county and the district and borough councils in East Sussex in order to maintain a level of consistency across the geographical area, particularly in relation to twin-hatted Members. The proposed changes to the Code have therefore been circulated to borough and district councils who are to make similar changes to their Codes.

1.4 The proposed amendments to the Code of Conduct are set out in Appendix 2 and reflect the need to refer to bullying and harassment in the Code, including definitions of each, and the requirement for councillors to comply with any formal standards investigation. The proposed changes also reflect the requirement that that councillors should not use the standards process for trivial or malicious allegations.

1.5 The Committee on Standards in Public Life has recommended that the Code of Conduct should be reviewed each year (best practice recommendation 3). Based on the relatively low number of complaints alleging breaches of the Code, it would appear that the Code is understood, fit for purpose and adhered to by councillors. As reported above the Committee is asked to consider the proposed changes to the Code to reflect the best practice recommendations from the Committee on Standards in Public Life. In addition to these proposals, the Committee is asked to consider whether any further changes should be proposed.

## **2. Conclusion**

2.1 In order to comply with the best practice recommendations of the Committee on Standards in Public Life, the Standards Committee is recommended to recommend the County Council to approve the amendments to the Code of Conduct as set out in Appendix 2 of the report.

PHILIP BAKER  
Assistant Chief Executive

Contact Officer – Andy Cottell, Democratic Services Manager (01273 481955)

Local Members: All

Background Documents: None

## Appendix 1

### Local Government Ethical Standards - a review by the Committee on Standards in Public Life

List of best practice recommendations and summary of current position for each

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

Need to amend the Code of Conduct. Proposed amendments have been circulated to borough and district councils in order to maintain consistency with Codes. Report to Standards Committee and County Council

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

This is referred to in the Local Assessment of Complaints document. However there is a need to amend the Code of Conduct to reflect this recommendation. Proposed amendments have been circulated to borough and district councils in order to maintain consistency with Codes. Report to Standards Committee and County Council

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

Review of Code of Conduct (which is based on the model Code) will be included in the Committee's annual report. Currently the County's Code is consistent with the Codes of the boroughs and districts in East Sussex. Officers will aim to ensure that this consistency is maintained.

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

All elected county councillors are offered a copy of the Code when they sign the declaration to adhere to it. The Code is available on the on the website and at County Hall

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

The declarations of gifts and hospitality are published on the website and are updated as revisions are submitted by individual councillors. Reminders are sent to all councillors 2 or 3 times a year requesting that they check their Register of Interests form (including gifts and hospitality declarations) are up to date.

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

This is available via the assessment criteria document which is published on the Council's website

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

The County Council has one appointed Independent person which is adequate for the number of complaints received (5 in the last 4 years). If required, the Council could use Independent Persons appointed by borough and district councils.

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

All complaints are referred to the Independent Person for information and comment. Any comments received are reported to the Assessment Sub-Committee

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

This will be actioned for any formal investigation.

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

Detail regarding the complaints procedure is included on the Council's website.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

N/A

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

N/A

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

This is already in place. For the investigations that have taken place since the introduction of the current standards regime, an independent investigator has been appointed.

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

This will be incorporated into future annual governance statement reports

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

Where appropriate, the Monitoring Officer meets with the relevant Group Leader in relation to standards issues. Given the relatively low number of complaints this is when required rather than on a regular basis

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## Code of Conduct for Members      Appendix 2

On their election or co-option to the East Sussex County Council, members are required to sign an undertaking to comply with the authority's Code of Conduct.

This Code of Conduct, adopted by the authority on 20 July 2012, is set out below. It is made under Chapter 7 of the Localism Act 2011 and includes, as standing orders made under Chapter 7 of that Act and Schedule 12 of the Local Government Act 1972, provisions which require members to leave meetings in appropriate circumstances, while matters in which they have a personal interest are being considered.

### Part 1 – General provisions

#### Introduction and interpretation

1. —(1) This Code applies to **you** as a member of the authority, when acting in that capacity.

(2) This Code is based upon seven principles fundamental to public service, which are set out in **Appendix 1**. You should have regard to these principles as they will help you to comply with the Code.

(3) If you need guidance on any matter under this Code you should seek it from the authority's monitoring officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.

(4) It is a criminal offence to fail to notify the authority's monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly to provide false or misleading information to the authority's monitoring officer.

(5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding -

(a) whether to take action in relation to you and

(b) what action to take.

(6) Councillors are required to comply with any request regarding the provision of information in relation to a complaint alleging a breach of the Code of Conduct and must comply with any formal standards investigation.

(7) Councillors should not seek to misuse the standards process, for example, by making trivial or malicious allegations against another councillor for the purposes of political gain.

(68) In this Code—

“authority” means East Sussex County Council

“Code” means this Code of Conduct

“co-opted member” means a person who is not a member of the authority but who-

(a) is a member of any committee or sub-committee of the authority, or

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

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

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member.

“register of members’ interests” means the authority's register of members' pecuniary and other interests established and maintained by the authority's monitoring officer under section 29 of the Localism Act 2011.

## **Scope**

2. —(1) Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## General obligations

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of its equality duties (in particular as set out in the Equality Act 2010);

(b) bully or harass any person; Note: Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating and individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

(c) intimidate or improperly influence or attempt to intimidate or improperly influence any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

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

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

(b) prevent another person from gaining access to information to which that person is entitled by law.

**5.** You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

**6.** You—

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

(b) must, when using or authorising the use by others of the resources of your authority—

- (i) act in accordance with your authority's reasonable requirements;
- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

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

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

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

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

## Part 2 – Interests

### Personal interests

8. – (1) The interests described in paragraphs 8(3) and 8(5) are your personal interests and the interests in paragraph 8(5) are your pecuniary interests which are disclosable pecuniary interests as defined by section 30 of the Localism Act 2011.

(2) If you fail to observe Parts 2 and 3 of the Code in relation to your personal interests-

(a) the authority may deal with the matter as mentioned in paragraph 1(5) and

(b) if the failure relates to a disclosable pecuniary interest, you may also become subject to criminal proceedings as mentioned in paragraph 1(4).

(3) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

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

(iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of (in the case of authorities with electoral divisions or wards) other council tax payers,

ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(4) In sub-paragraph (3)(b), a relevant person is—

(a) a member of your family or a close friend; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (3)(a)(i) or (ii).

(5) Subject to sub-paragraphs (6) and (7), you have a personal interest which is also a disclosable pecuniary interest as defined by section 30 of the Localism Act 2011 in any business of your authority where (i) you or (ii) your partner have an interest within the following descriptions:

Interest	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 M in carrying out duties as a member, or towards the election expenses of M. 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 M's knowledge)—

Securities	<p>(a) the landlord is the relevant authority; and                  (b) the tenant is a body in which the relevant person has a beneficial interest.</p> <p>Any beneficial interest in securities of a body where—                  (a) that body (to M's 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                  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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These descriptions on interests are subject to the following definitions;

‘body in which the relevant person has a beneficial interest’ means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

‘director’ includes a member of the committee of management of an industrial and provident society;

‘land’ includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

‘M’ means the person M referred to in section 30 of the Localism Act 2011;

‘member’ includes a co-opted member;

‘relevant authority’ means the authority of which M is a member;

‘relevant period’ means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Localism Act 2011;

‘relevant person’ means M or any other person referred to in section 30(3)(b) of the Localism Act 2011;

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

(6) In sub-paragraph (5), your partner means—

(a) your spouse or civil partner,

(b) a person with whom you are living as husband and wife, or

(c) a person with whom you are living as if you were civil partners,

(7) In sub-paragraph (5), any interest which your partner may have is only treated as your interest if you are aware that that your partner has the interest.

### **Disclosure of personal interests (See also Part 3)**

**9.** —(1) Subject to sub-paragraphs (2) to (6), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which any matter relating to the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) If the personal interest is entered on the authority's register there is no requirement for you to disclose the interest to that meeting, but you should do so if you wish a disclosure to be recorded in the minutes of the meeting.

(3) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(4) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest and, if also applicable, that it is a disclosable pecuniary interest, but need not disclose the sensitive information to the meeting.

(5) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision on any matter in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(6) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

### **Prejudicial interest generally**

**10.** —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where either-

(a) the interest is a disclosable pecuniary interest as described in paragraph 8(5), or

(b) the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) For the purposes of sub-paragraph (1)(b), you do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

### **Interests arising in relation to overview and scrutiny committees**

**11.** You also have a personal interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

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

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

### **Effect of prejudicial interests on participation**

**12.** —(1) Subject to sub-paragraph (2) and (3), where you have a prejudicial interest in any matter in relation to the business of your authority—

(a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, or further vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter is being held—

- (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
- (ii) in any other case, whenever it becomes apparent that the matter is being considered at that meeting;

unless you have obtained a dispensation from your authority's monitoring officer or standards committee;

(b) you must not exercise executive functions in relation to that matter; and

(c) you must not seek improperly to influence a decision about that matter.

(2) Where you have a prejudicial interest in any business of your authority which is not a disclosable pecuniary interest as described in paragraph 8(5), you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence

relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(3) Where you have a prejudicial interest which is not a disclosable pecuniary interest as described in paragraph 8(5), arising solely from membership of any body described 8(3)(a)(i) or 8(3)(a)(ii)(a) then you do not have to withdraw from the room or chamber and may make representations to the committee but may not participate in the vote.

### **Part 3 – Registration of Interests**

#### **Registration of members' interests**

13. —(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by the authority; or

(b) your election or appointment to office (where that is later), register in the register of members' interests details of-

- (i) your personal interests where they fall within a category mentioned in paragraph 8(3)(a) and
- (ii) your personal interests which are also disclosable pecuniary interests where they fall within a category mentioned in paragraph 8(5)

by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest falling within sub-paragraphs (1)(b)(i) or (1)(b)(ii) or any change to any personal interest registered under sub-paragraphs (1)(b)(i) or (1)(b)(ii), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

#### **Sensitive information**

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, the monitoring officer shall not include details of the interest on any copies of the register of members' interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is

no longer sensitive information, notify your authority's monitoring officer asking that the information be included in the register of members' interests.

(3) In this Code, "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

## **Dispensations**

**15** - (1) The standards committee, or any sub-committee of the standards committee or the monitoring officer may, on a written request made to the monitoring officer of the authority by a member, grant a dispensation relieving the member from either or both of the restrictions in paragraph 12(1)(a) (restrictions on participating in discussions and in voting), in cases described in the dispensation.

(2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the standards committee, its sub-committee or the monitoring officer.—

(a) considers that without the dispensation the number of persons prohibited by paragraph 12 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

(c) considers that granting the dispensation is in the interests of persons living in the authority's area,

(d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by paragraph 12 from participating in any particular business to be transacted by the authority's executive, or

(e) considers that it is otherwise appropriate to grant a dispensation.

(3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

(4) Paragraph 12 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

## **APPENDIX 1**

### **The Seven Principles of Public Life**

The Principles of public life apply to anyone who works as a public office holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

#### *Selflessness*

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

#### *Integrity*

2. 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*

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

#### *Accountability*

4. 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*

5. 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 doing so.

#### *Honesty*

6. Holders of public office should be truthful.

#### *Leadership*

7. 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.



Report to: **Standards Committee**

Date: **23 April 2019**

Title of report: **Annual Report of the Standards Committee**

By: **Assistant Chief Executive**

Purpose of report: **To provide an update on Member Conduct issues, the work of the Standards Committee and the Monitoring Officer.**

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## RECOMMENDATIONS

**The Standards Committee is recommended to**

- 1) note the report;**
  - 2) agree the report for submission to the County Council for consideration.**
- 

### 1. Background information

1.1 The Standards Committee is required to submit an annual report to the County Council on its work during the previous year. The Committee is therefore asked to consider the draft report for submission to the County Council.

1.2 Between 1 April 2018 and 31 March 2019 three complaints were received against Members of the County Council.

1.3 It is considered that the standards of conduct among Members and co-opted members of the Council remain high and maintaining good standards is taken seriously. A summary of the complaints received during 2018/19 is set out in Appendix 1. The table below shows the number of complaints considered by the Assessment Sub Committee over the past 10 years:

Year	No. of complaints considered
2018/19	3
2017/18	0
2016/17	1
2015/16	1
2014/15	3
2013/14	1
2012/13	1
2011/12	1
2010/11	2
2009/10	4

### 2. Applications for Dispensation

2.1 In limited circumstances, Members can apply in writing for dispensations to take part in business that they would otherwise have been unable to participate in through having prejudicial interests. During 2018/19 there were no applications for dispensations.

2.2 All dispensations are entered on the register of Members' interests and remain there for the appropriate period.

### **3. Register of Members' Interests**

3.1 The Monitoring Officer is required to establish and maintain a register of interests of Members of the Council. All Members have completed and returned their registers and are reminded every six months of the need to notify the Monitoring Officer of any changes. The registers are available for public inspection and are available on the Council's website.

3.2 A register of Gifts and Hospitality is also maintained by the Monitoring Officer. Members have to register gifts and hospitality received with an estimated value of £50 or more. Councillors are reminded every 6 months of the need to declare gifts and hospitality of such a value.

3.3 There is an ongoing requirement to keep the information of the register of interest form up to date. Councillors must, within 28 days of becoming aware of any new registerable personal interest or change to any registered interest, give written notification to the Monitoring Officer.

### **4. Training**

4.1 Following the election on 4 May 2017 and the by-election on 10 January 2019, training was given to members on the Code of Conduct including register of interests, personal interests, disclosable pecuniary interests and gifts and hospitality at the Induction Day. All councillors have signed a declaration undertaking to comply with the County Council's Code of Conduct for Members.

### **5. Standards in Public Life Local Government Ethical Standards**

5.1 In April 2018 the County Council responded to consultation from the Committee on Standards in Public Life on local government ethical standards. A report on the Committee's report including its recommendations and proposed amendments to the Council's Code of Conduct for Members is set out in a separate item on the agenda.

### **6. Conclusion**

6.1 The Committee is recommended to note the report and to recommend to the County Council the Annual Report of the Standards Committee for consideration.

PHILIP BAKER  
Assistant Chief Executive

Contact Officer – Andy Cottell, Democratic Services Manager (01273 481955)

Local Members: All

Background Documents: None

## Complaints received by the Standards Committee 1 April 2018 to 31 March 2019

Reference	Date Received	Type and Date of Committee	Summary of Complaint	Outcome	Resolved
SC.001.18	29 August 2018	Assessment Sub Committee 11 October 2018	Breach of General Principles of Code of Conduct (Paragraphs 1, 5 and 7(2))	No further action should be taken	Yes
SC.001.19	25 February 2019	Assessment Sub Committee 1 April 2019	Breach of General Principles of Code of Conduct (Paragraphs 1 and 5)	Referred to Monitoring Officer for investigation	No
SC.002.19	26 February 2019	Assessment Sub Committee 1 April 2019	Breach of General Principles of Code of Conduct (Paragraphs 5 and 6)	No further action should be taken	Yes

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