



Telford & Wrekin  
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

## STANDARDS COMMITTEE

Date **Tuesday, 4 February 2020**

Time **6.00 pm**

Venue **Meeting Rooms G3/G4, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT**

### Enquiries Regarding this Agenda

Democratic Services	Josef Galkowski	01952 38356
Media Enquiries	Corporate Communications	01952 382406
Lead Officer	Jonathan Eatough, Director: Governance	01952 383200

### Committee

Councillors A R H England (Vice-Chair), J Jones (Chair), R T Kiernan,  
Membership: G C W Reynolds, P J Scott, J M Seymour and P Watling

## AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes of the Previous Meeting** 3 - 10  
To confirm the minutes of the previous meeting.
4. **Reviewing the Council's Ethical Framework** 11 - 38  
To receive a report from Jonathan Eatough, Director of Governance.

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## STANDARDS COMMITTEE

### Minutes of a meeting of the Standards Committee held on Tuesday, 25 June 2019 at 6.00 pm in Meeting Rooms G3/G4, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT

**Present:** Councillors J Jones (Chair), A R H England (Vice-Chair), R T Kiernan, G C W Reynolds, P J Scott, J M Seymour and P Watling

**In Attendance:**

**Apologies:**

**ST1      Declarations of Interest**

None received.

**ST2      Minutes of the Previous Meeting**

**RESOLVED** – that the minutes of the meeting held on 5 February 2019 be confirmed and signed by the Chair.

**ST3      Terms of Reference / Update Report**

The Assistant Director: Governance, Procurement & Commissioning presented the report on:

- Terms of Reference/Update Report (Minute Number ST4)
- Committee of Standards in Public Life – Incorporating Practice Recommendations (Minute Number ST5)

**ST4      Terms of Reference / Update Report**

Members raised issues regarding late reports and hard copy agendas and asked for the issues to be looked into.

The Assistant Director: Governance, Procurement & Commissioning introduced the new Service Delivery Manager for Governance and Legal.

The Assistant Director reported that as this was the first meeting of the Committee in the new municipal year that the Terms of Reference needed to be reviewed. There were no suggested changes at present, but amendments may be required in the future following the work taking place by the Committee for Standards in Public Life.

During a discussion some Members asked who would be involved in a Sub-Committee. It was confirmed that the Sub-Committee would consist of Standard Committee Members. Other Members asked if the Code of Conduct applied to candidates as well as elected Members. There was a test to see if

a person was acting in their Councillor capacity or if they were acting as a candidate.

An update was received regarding Member Training. Following the recent elections the Council were in the process of providing a comprehensive training programme for new and returning Councillors. Although the on-line training programme had yet to be completed, a recent induction session for Borough Councillors had taken place, presented by Bethan Evans (external provider), regarding members' roles, interests and standards of behaviour. The handouts from this training would be circulated to Members. A video recording of this training session would be made available on YouTube and could be accessed by Borough Councillors and Parish and Town Councillors. A training session for Parish and Town Councillors would also take place on 18 July 2019.

A discussion took place regarding the current Code of Conduct and its available sanctions and the misuse of social media.

Councillor G Reynolds left the meeting prior to the vote.

Upon being put to the vote it was, unanimously:

**RESOLVED –**

- a) that the Committee agreed the Terms of Reference as suitable and appropriate; and
- b) that the update on training and complaints be noted.

**ST5 Committee of Standards in Public Life - Incorporating Best Practice Recommendations**

The Assistant Director: Governance, Procurement & Commissioning presented an update on the implications of the report from the Committee on Standards in Public Life. He suggested that the Committee look at each of the 15 recommendations individually.

Some Members felt that they had not had sufficient time to properly study the documents as it had been supplied late and the Assistant Director suggested that Members could continue to make suggestions by e-mail following the conclusion of the meeting.

The report made 15 best practice recommendations for local authorities that could be implemented which Members considered individually with their responses as follows:

	<b>Suggested Best Practice</b>	<b>Proposed response/ action</b>	<b>Member Response</b>
1	Local authorities should include prohibitions on bullying and harassment in	The Council's current code of conduct is a very high level document and does not go	Current Code of Conduct is very high level. It needed to link to Employee Code of Conduct and

	<p>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.</p>	<p>into this level of detail. This type of issue between members and officers is dealt with in the Member/Officer Protocol.</p> <p>Members' view are sought on whether a specific provision is added to the code or as an Advisory to the provision in respect of Leadership. (Code is attached in Appendix 2 for convenient reference)</p>	<p>Dignity at Work Policies and give Members/Officers a definition of this and reference Member/Officers and Member/Member relationships. Avoid over-defining – need for reasonableness. People need to know in their own minds what is considered bullying and be dealt with pragmatically and with proportionality.</p>
2	<p>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.</p>	<p>As for 1 above.</p>	<p>Members must respect Code of Conduct and adhere to it as failing to do this was a breach of the Code.</p> <p>Some Members felt they need to further read and understand the Report and why it had arrived at its parameters</p>
3	<p>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.</p>	<p>Whilst these recommendations have been identified as being capable of implementation without primary or secondary legislation members views are sought on the extent to which this can/ should be done in the absence of sanctions in the existing regime. The current regime is relatively toothless and lacks credibility. In the absence of change consultation would help raise awareness of the standards regime but might create unreasonable expectation and discredit rather than enhance the reputation of local government. However, officers could certainly approach colleagues in Shropshire and local town and parish councils and develop a regular review process.</p>	<p>Members felt that the code could discredit rather than enhance the reputation of the Council. Complaints were received, especially with regard to Parish Councillor Conduct. It was suggested that consultation regarding the Code took place with neighbouring Councils and Parish and Town Council in order to build a positive relationship with partners.</p>

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.	"Councillor code of conduct" on the web-site provides a lot of information about the Council's code and how to submit a complaint	Councillor Code of Conduct was published on website together with Members declarations of interest (although these were redacted).
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.	This is a document that is regularly reviewed by the Monitoring Officer – and is a recommendation that can easily be adopted. Members support is sought for this to be implemented immediately-with the necessary amendments to the Gifts and Hospitality Guidance	The Council were complimented by Beth Evans regarding this as are rules are relatively tight and under £25  Members raised whether Parish and Town Councils adopt Council's policy / are their uniform policies. It was confirmed that whilst the Council can't insist these are used only 1 Parish Council had not adopted Council's Code of Conduct. Members suggested that Officers recirculate Code of Conduct.
6	Councils should publish a clear and straightforward public interest test	Such a test sets clear expectations to those making complaints and ensure consistency of approach. Members approval to adopt the following wording and incorporate into the review process  <b>1 'CAN' we investigate your complaint?</b> Is the person you are complaining about a councillor?  Did the conduct occur within the last six months?  Is the conduct something that is covered by the code?  <b>2 'SHOULD' we investigate your complaint?</b> Is there evidence which supports the complaint?	It was suggested that the Council adopt the useful addition from Northern Ireland and that documents were reviewed and brought up to date to make them clearer.

		<p>Is the conduct something which it is possible to investigate?</p> <p>Would an investigation be proportionate and in the public interest?</p> <p>Public interest being something which is of serious concern and benefit to the public – taking into account the seriousness of the complaint.</p> <p>When deciding the level of seriousness of the allegation, relevant considerations are: the extent to which the councillor was at responsible for or was to blame for the alleged breach; the circumstances of the complainant; and whether the alleged conduct caused harm to any person</p>	
7	Local authorities should have access to at least two Independent Persons.	The Council currently has one Independent Person. It would be an opportune time to re-visit this provision and increase the number of independent Persons. Members are asked to delegate this recruitment to the Monitoring Officer in association with the chair of the Standards Committee for approval, in due course by the Council	The Council currently had one Independent Person but it was the Council's intention to get two new Independent Persons so that they don't get a close relationship with Members. This was currently under review. Members asked for clarification on the process for appointing an Independent person and were satisfied that the approach to test their impartiality and judgment was undertaken in conjunction with the Chair.
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	This is the current informal practice. Members views are sought on formalising this process to improve transparency	Some Members suggested good governance would be to report back to Committee when a complaint made. The process being to write a letter listing issues and sanctions to take place and a formal report to go on their record. Members felt that it

	responsible officer is minded to dismiss as being without merit, vexatious, or trivial.		would be good practice to see an example of a redacted letter and that any Member who had a complaint made against them was informed. It was also asked if a Public interest test could be undertaken.
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.	Members views are sought. This can easily be incorporated into the current process via a change to the relevant rules for the Standards Hearings Sub Committee	Members suggested that publishing a notice in paper could be added.
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.	See 4 above. It is proposed that this process is reviewed and brought back to the next Standards Committee for consideration and review.	The Council already published guidance which was easily accessible on the website. It was suggested that the process be reviewed and brought back to Committee and its online presence renewed. Any Vexatious/malicious complaints to be dismissed and a clear Council policy on complaints should be linked.
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.	This seems a sensible suggestion but perhaps this ought to be subject to consultation with Town and Parish Councils	Members felt that there should be more protection for the Parish Clerks and suggested a recommendation "recognising a Clerk can make a complaint" It was suggested that consultation took place with Parish/Town Councils being able to comment. The Council provided a lot of support given to Parish/Town Clerks
12	Monitoring Officers' roles	This is currently done within	This is already done by the

	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.	existing resources.	Council
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 a sensible suggestion – with Members approval the Monitoring Officer will work on reciprocal arrangements with neighbouring Councils and update the next meeting of this Committee	It was sensible to have a procedure in place. Consult with neighbouring Councils to cover all eventualities. This work to be delegated to SDM to include looking at influence and perception.
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.	The Monitoring Officer is pursuing this as part of a review of governance and will consult with the Senior Management Team and Audit colleagues to come forward with a proposal in respect of this Best Practice recommendation.	Some Members suggested considering bodies such as NuPlace, outside bodies, joint use centres, Local Authority Schools and Academies and companies such as Wrekin Housing Trust and West Mercia Energy. The Assistant Director confirmed that these would deal with by their own independent Code of Conduct.
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	In the current regime disciplinary action by a political group is one of the more powerful sanctions available to the Council so this recommendation is welcomed by the Monitoring Officer. Members views are sought, if supportive	Some Members felt two way communication was important.  Code of conduct sanctions could be improved by removal from the Group or having the Whip removed. With regard to confidentiality issues, individual names did not have to be used

		meetings can be established, on who with and how often.	and this could be done generally.  It was good practice to be open and have leaders involved and if it was a serious complaint then leaders will probably know. Need to be careful about data breaches when talking to leaders – but this depended on the issues involved. Clarification was needed on these issues and whether they should be generalised or individual. It was suggested that the SDM approach Group Leaders for input into protocol and where there were areas of concern, Group Leaders to speak to their Members.
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The Assistant Director asked Member to consider the report further outside of the meeting and put forward any other ideas/suggestions for consideration.

Upon being put to the vote it was, unanimously:

**RESOLVED – that:**

- a) the best practice recommendations be agreed and incorporated into the Council’s governance arrangements; and**
- b) the Monitoring Officer continues to monitor the progress of the report and report progress back to the Standards Committee.**

The meeting ended at 7.09 pm

**Chairman:** .....

**Date:** Tuesday, 4 February 2020

**TELFORD & WREKIN COUNCIL**

**STANDARDS COMMITTEE – 4 FEBRUARY 2020**

**REVIEWING THE COUNCIL'S ETHICAL FRAMEWORK**

**REPORT OF DIRECTOR: GOVERNANCE**

**PART A) – SUMMARY REPORT**

**1. SUMMARY OF MAIN PROPOSALS**

- 1.1 For members to consider, comment on and support a proposed review of the Council's ethical framework.

**2. RECOMMENDATIONS**

- 2.1 **Members to note and support LGA initiated work on promoting civility in public life, particularly in promoting progress towards an LGA sponsored model Code of Conduct;**
- 2.3 **Members agree to meet again when a draft model Code of Conduct is published for consultation to enable this Council to consider and respond to consultation on the development of the new model code of conduct;**
- 2.4 **Members to consider agreeing the adoption of a public interest test and if so, deciding from when this test should be applied, either immediately or upon adoption of the new code when it is adopted.**
- 2.5 **Members to agree that a member(s) (identifying a member(s) for this purpose) of the Standards Committee sit on the recruitment panel for the Independent Persons as detailed in this Report**
- 2.6 **Members to approve the constituent elements of consultation document to record the discussion between the Monitoring Officer and the Independent Person during the consideration of whether or not to refer a complaint for investigation or informal resolution or no further action at all.**
- 2.7 **Members to approve new publicity requirements for determinations by amending the Hearings Sub Committee terms of reference to include "agreeing/ delegating to the Monitoring Officer, in consultation with the Chair, the publication on the Council's web-site of a statement detailing the outcome of a determination as detailed in the body of the Report".**
- 2.8 **Members agree that the Monitoring Officer works with the Member Development Steering Group and Group Leaders to review the Protocol on Member/ Officer Relations with a view to including an amended version through the Constitution Committee and on to full Council as an amendment to the Constitution.**

**2.9 Members to review the Protocol on Gifts and Hospitality, particularly regarding the Best Practice recommendation from the CSPL about increasing values contained in the existing Protocol for Telford & Wrekin Council as it effects members.**

**3. SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	These proposals will help to engender civil debate and shows the Council taking community leadership on this important topic.
	Will the proposals impact on specific groups of people?	
	No	
<b>TARGET COMPLETION/DELIVERY DATE</b>	Target date Changes will continue to be delivered during the course of this civic year but some changes are dependent upon legislation which is outside the Council's control.  The Council should also accept a duty, not legally defined as yet to look after the health and well-being of local Councillors elected to office	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	No	There are no additional financial implications arising from the recommendations in this report.
<b>LEGAL ISSUES</b>	Yes	This committee, and the Council generally has a duty to promote high standards of behaviour of conduct by members and co-opted members of the Council.
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	No	There are no other specific impacts arising from this report.
<b>IMPACT ON SPECIFIC WARDS</b>	No	

**PART B) – ADDITIONAL INFORMATION**

**1. Background**

- 1.1 To support the Council's strategic focus through to 2023 to protect care and invest to make a better Borough, as approved by Cabinet and Council in July 2019 it is proposed to undertake a review of the Council's governance arrangements to ensure that the Council delivers its strategic programme in accordance with the principles of good governance.
- 1.2 At the heart of any Constitutional review will be a review of the Council's constitution and a separate report is being prepared for consideration by the Constitution Committee on that wider review.
- 1.3. This report relates to the more specific review of the Council's ethical framework (aligning to this Committee's terms of reference "to promote and maintain high standards of conduct by members and co-opted members of the Council".)

- 1.4 The key theme for this committee is to ensure the maintenance of high ethical standards, paying particular attention to reviewing the Member Code of Conduct, the Protocol on Member/ Officer Relations and the Protocol on Gifts and Hospitality as it applies to members.
- 1.5 This holistic review will also take account of recent LGA work on civility in public life and their work, commencing in September 2019 and leading to the publication of the report of "Civility in Public Life and the Review of the Model Code of Conduct". The report will look at how this links into some work that has been started by the Member Development Training Group, particularly in respect of personal safety training for members and how this aligns with national moves towards "civility in public life".
- 2. What is included in the Council's ethical framework for the purpose of this review:**
- 2.1 The elements of the Council's Constitution that fall within this Committee's terms of reference for comment are:
- The Members' Code of Conduct (The Code of Conduct for Employees does not fall within the remit of this Committee)
  - The Member/Officer Protocol
  - Protocol on Gifts and Hospitality
- 2.2 It is important to note that the first two elements are subject to approval by Council, upon recommendation of the Constitution Committee: This committee has a role in recommending changes to the Constitution Committee.
- 3. The Members' Code of Conduct/ The Protocol on Gifts and Hospitality Update**
- 3.1 A report from the Committee on Standards in Public Life (CSPL) on "Local Government Ethical Standards" has been reported to central Government. A formal response is awaited and expected soon. The Secretary of State has established a Framework Review Panel with a view to assessing the current governance and accountability framework to determine whether or not it is fit for purpose. Feeding into that Panel is an informal network of Monitoring Officers meeting with MHDCLG quarterly. Telford is represented at this meeting by the Monitoring Officer.
- 3.2 The LGA responded to this in their report "Civility in Public Life and the Review of the Local Code of Conduct" which is referred to in more detail later in this report.
- 3.3 In reports to this committee on 5 February 2019 and 25 June 2019 the best practice (BP) (that could be implemented without legislative change) from the CSPL were considered and an initial view given by members on how to proceed. As detailed above circumstances have developed - and the current proposed position is detailed below for members' consideration and comments/ approval as appropriate, including this time recommendations ( R ) , many of which require legislation to be implemented. (See Appendix 1)

#### **4. Reviewing the Protocol on Member/ Officer Relations (See Appendix 3)**

- 4.1 Members and officers perform distinct roles within the Council. The purpose of this document is to provide clarity about what is expected from officers and members when they are working together. This current version of the document has not been reviewed since 2010; it has never been resorted to in a formal way.
- 4.2 Also it is important to note that there is nothing in the current working arrangements between members and officers to suggest that the way that they work with each other is nothing short of effective and respectful. However, the Protocol is proposed for review now as it is the best time to review such Protocol in the absence of strained relationships that might skew how either members or officers view their working relationships.
- 4.3 Notwithstanding this the review needs to be carefully done ensuring time for considered input by both members and officers. Accordingly it is proposed that a draft version is circulated via the Member Development Steering Group to both the senior management team and group leaders for consultation with a view to being presented to Council, vi the Constitution Committee for adoption as part of the Constitution later this year.

#### **5. Civility in Public Life - Improving the protection for Members - Preventative training and support all the way through to support during and after an incident has occurred**

- 5.1 It is becoming more and more apparent that Councillors, both locally and nationally are subject to abuse, threats and public intimidation and there is a real risk that this can undermine the principles of free speech, democratic engagement and debate. There is mounting evidence that this is a real discouragement to many high quality people from wanting to become Councillors.
- 5.2 The LGA have recently launched a programme with the aims of addressing:
- intimidation of local government and members;
  - Standards of public discourse;
  - Political discourse and behaviour in public office; and
  - Support and advice to Councils and Councillors.

#### **Objectives**

- 5.3 The LGA's objectives in embarking on this programme of work are:
1. To articulate what local government believes are good standards for anyone engaging in public and political discourse and debate, and what is needed to achieve these standards.
  2. To show leadership at a local, national, UK-wide and international level in good standards of political debate, engagement and decision-making, demonstrating the positive impact it can have.
  3. To understand the scale and impact of intimidation and abuse behaviour our

membership is experiencing.

4. To challenge the 'new-norms' of intimidation, abuse, threats and aggressive behaviour by many engaging in political and public discourse.
5. To demonstrate the impact that intimidation and abusive behaviour in our political system and from the general public has on our democratic system, and recommendations for achieving positive debate and public engagement in local decision-making.
6. To support its member councils in addressing intimidation and abuse.
7. To enhance the reputation of local government and local politicians, and encourage more people to become councillors by addressing the issues of intimidation and abuse.
8. To support all democratically elected local representatives in delivering their best on behalf of their local communities.
9. To build on the good practice that already exists within member councils.

5.4 Particular factors that make it relevant for consideration in Telford include:-

- CSE and the experience of some members, officers and officers working for partner organisations
- Experience of some councillors during recent election campaigns
- Other examples of violence/ intimidation towards councillors
- The Council's aspiration to encourage prospective candidates to stand for office and encourage diversity in candidates

5.6 Accordingly the Council is developing a broad strategy to support members. There are 3 main strands to this strategy:-

### **Prevention**

Generally providing support and guidance for members. Including, (ACTIONED) - Training session - Working Safely in the Community hosted by the LGA on 25 November 2019

Handbook advice - Available for all members, giving practical advice on how to risk assess your role as a Councillor, handling intimidation, managing your mental health, managing your personal safety and security, your home security, travelling safely and using social media. 2 really useful publications, both of which can easily be provided to members are:

- Personal Safety for Councillors - Baikie-Wood Consultancy
- Councillors Guide to Handling Intimidation - LGA

### **Support**

Developing the idea of how the Council considers and manages its duty of care towards local Councillors, including for example:

- **Stay safe** - a really useful lone working app that is available to members and officers alike to protect them when they are going into situations which, from a risk assessment point of view require sensible management
- **Risk assessment for members** - the health and safety team have already provided risk assessments for members who are currently assessed as being most likely to be

vulnerable to harassment and intimidation

- **PSP Register** - this is a register that is available to members and officers alike to enable them to have access to information that will enable them to properly risk assess their position when meeting with their constituents.

### **Re-active Support**

**Liaison with the Police** - depending upon the seriousness of the harassment or intimidation referral to the Police should always be considered. The Police might not take action but it helps the proper recording of these crimes to have them recorded as an incident. Officers will liaise with the Police to establish reporting processes early so that when/ if a situation arises there can be an immediate and effective response to the incident. (including engagement with the Crown Prosecution Service and the local Police and Crime Commissioner.

**Designated Officer contact for all Members** - it is proposed that the Monitoring Officer be the designated first point of contact for all members to ensure that action is taken swiftly and consistently.

**Urgent response to "threat"** the Legal Team are working on a suite of precedent documents to enable a swift response depending upon the circumstances of the individual case.

### **Challenge**

How the Council, as a community leader challenges this behaviour and challenges it both in principle but also relentlessly challenging the people who demonstrate this intimidating and abusive behaviour whilst also encouraging positive debate and public engagement in local decision-making.

***Report prepared by Jonathan Eatough, Monitoring Officer and Director: Governance, 01952 383200***

## Appendix 1

	Recommendations from CSPL:-	Comments/ updates
R1	The LGA (the Local Government Association) create an update model code of conduct in consultation with representative bodies of councillors and officers of all tiers of local Government	<p>For noting - Working with the LGA MHCLG (Ministry of Housing, Communities and Local Government) and the Framework Review Panel have commissioned external organisations to consult and prepare a draft national model code of conduct for consideration and, it is proposed, universal adoption across all Councils in the country.</p> <p>The draft model code is in the early stages and is planned to be launched at the LGA Annual Conference in July 2020. There will, however be an opportunity to comment upon the draft code before then. (It will be a decision for this Authority whether or not to adopt the national code should one be approved and recommended for adoption): The principle of a national code has the advantage of ensuring a consistent level of standards of behaviour across the country. Members should note that there is no suggestion of moving back to a central regulatory body, any Code will continue to be managed at a local level.</p>
R2 - 4	<p>Removal of requirement to disclosing home address on register of interests</p> <p>Provisions in respect of presumption of acting in their official capacity</p>	For noting - Requires legislative changes
BP1	Prohibitions on bullying and harassment	For noting - Expected in draft LGA Model Code of Conduct.
BP2	A requirement to co-operate with Standards investigations and prohibiting malicious/ trivial allegations	For noting - Expected in draft LGA Model Code of Conduct.
BP3	Have local engagement with annual review of local code	For noting - There is a possible conflict here with the proposal for a national code.

		Adoption of any national code will be a matter for full Council.
BP4	Making any code accessible to local people	For noting - The Code of Conduct, reporting processes and contact details are readily accessible on the Council's web-site.
R5	Extend disclosable pecuniary interests to include unpaid directorships, trusteeships, management roles in a charity or body of a public nature and membership of an organisation that seek to influence opinion or public policy	For noting - Requires legislative changes
R6	Provisions about the Register of Gifts and Hospitality	<p>For decision - A copy of this protocol is attached at <b>Appendix 2</b>. Members are asked to consider the current Guidance and consider whether or not the current maximum value of £25 for any gift or hospitality should remain at this level or be increased to £50 (for a single item/ no more than £100 in a year from a single source) and amended to provide for recommended quarterly updates and ask the Monitoring Officer to report on declarations made during 19/20 at the next meeting of this committee.</p> <p>(Members should note that during the Induction Process for new Councillors after elections in May 2019 training on conduct was provided by Bethan Evans, an eminent local Government Solicitor, who commended the Council's current Protocol on Gifts and Hospitality as being clear and detailed.)</p> <p>For noting - This will be linked to and included in the draft LGA Model Code of Conduct</p>

BP5	Update the Gifts and Hospitality Register at least quarterly and publish	For noting - The Council's Committee Management System will record and, subject to Members' approval, publish these interests. The review system will be on disclosure rather than quarterly by the Monitoring Officer or a Deputy Monitoring Officer
R6	A public interest test to give confidence to those making complaints that they will be dealt with fairly and consistently.	For decision - The Monitoring Officer proposes that Members accept the principle of this to ensure consistency but agree that the incorporation of this is delayed until the Model Code of Conduct has been published/ approved and then if necessary the review process can be amended to take into account the provisions of the new model code.
R7	Provisions to exclude a member from participating in debate or voting "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 discussion or decision-making in relation to that matter"	For noting - Requires legislative changes
BP7	Independent Person recruitment	<p>For noting - The Monitoring Officer is currently planning the recruitment of 2 Independent Persons and is in dialogue with the current Independent Person to make sure that the recruitment process reaches as wide an audience as possible. An update on the recruitment will be reported to the next committee.</p> <p>For decision - members are asked to nominate the Chair and/or another representative nominated by her to sit on the recruitment panel with the Monitoring Officer/ Deputy Monitoring Officer before making a recommendation to Council upon preferred candidates.</p>

R8	Independent Persons to be appointed for a fixed term of 2 years renewable once	For noting - requires legislative changes
BP8	Consulting the Independent Person	<p>For approval - The headings required in any report are proposed as follows:</p> <ol style="list-style-type: none"> <li>1. Name of Authority - Parish/ Town/ Borough Council</li> <li>2. Name of Independent Person consulted</li> <li>3. Date of complaint</li> <li>4. Date of discussion with Independent Person (including whether face to face or otherwise - skype/ telephone)</li> <li>5. Summary of the complaint - could include relevant information submitted with the complaint - suitably redacted if appropriate</li> <li>6. Identification of the relevant provisions of the relevant Authority's Code of Conduct</li> <li>7. Summary of the Monitoring Officers thoughts on the matter</li> <li>8. The decision - this should be sent to the Independent Person for confirmation that this properly represents the view that they have given</li> <li>9. Record of next steps</li> </ol>
R9/15	<p>Update the Local Government Transparency Code to provide that the review of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes</p> <p>... and to publish complaints numbers with defined details</p>	For noting - This is statutory guidance produced by the Secretary of State which can only be amended by the Secretary of State
R10	A suspension could only be undertaken where an Independent Person agrees	For noting - requires legislative changes

	with the finding of a breach and the proportionality of the suspension sanction	
R11	Provides for indemnity to an Independent Person in certain circumstances	For noting - requires legislative changes
R12	Provisions to extend the voting members of a Standards Committee to include independent members (distinct from an Independent Person) and Parish Councillors	For noting - requires legislative changes
R13/14	Introduces a right of appeal to the Local Government Ombudsman and for them to investigate and impose a binding decision on the local authority	For noting - requires legislative changes
BP9	Publicity on decisions - to include a statement of the facts, the provisions of the code engaged by the allegations, the view of the independent person, the reasoning of the decision-maker and the sanction applied	For decision - as above if members agree with this recommendation it is proposed that this provision is incorporated into the Hearings Sub Committee terms of reference and ensuring that the Monitoring Officer ensures that this decision is included on the Council's web-site after the time period to submit an appeal has passed or an appeal has been rejected by the Local Government Ombudsman.
BP10	Guidance on making a complaint	For noting - Guidance on making a complaint is readily accessible on the Council's web-site.
R16	Local authorities given power to suspend Councillors, without allowances, for up to 6 months	For noting - requires legislative changes
R17	Government to clarify if Council can bar councillors from council premises or withdraw facilities as sanctions	For noting - requires legislative changes
R18	Criminal sanctions relating to DPI's should be abolished	For noting - requires legislative changes

R19	Parish Clerks should be appropriately qualified	For noting - requires legislative changes
BP11	Rules on managing complaints about the conduct of a member towards a clerk	For noting - Expected in draft LGA Model Code of Conduct
BP12	Monitoring Officer to provide advice support and management of investigations and adjudications on alleged breaches to Parish Councils with adequate, training, corporate support and resources to undertake this work.	For noting - currently delivered within existing resources
R20	Parish Councils to adopt the code of conduct of their principal authority	For noting - requires legislative changes
R21	Sanctions to be imposed on a Parish Councillor in the event of finding of a breach is to be determined by the principal authority	For noting - requires legislative changes
BP13	Managing conflict of interest including reciprocal arrangements- asking an MO from another authority to investigate	For noting - Discussions have previously been held with Shropshire Council to discuss, in principle, reciprocal arrangements. These did not progress at the time. Given the nature of the Council's there are real challenges to ensure equitable sharing of resources. Depending upon the seriousness of the allegations there is also the option of external, and skilled investigators. There is an active market for this service in the private sector - this might often provide a better solution for the graver allegations which might require external investigation
R22	Extend employment protection to statutory officers beyond dismissals to all disciplinary action.	For noting - requires legislative changes
R23	Update the Local Government Transparency Code to provide that LA's must ensure that their whistle-blowing policies specifies a named contact for the	For noting - This is statutory guidance produced by the Secretary of State which can only be amended by the Secretary of State

	external auditor ... and is made available on the Council's web-site	
R24	Councillors should be listed as "prescribed persons" for the purposes of the Public Interest Disclosure Act 1998 - persons who a worker may approach outside their workplace to report suspected or known wrong-doing	For noting - requires legislative changes
BP14	Councils reporting on separate bodies established / incorporated into their Annual Governance Statement and explain their relationship with them. Also those organisations should abide by Nolan Principles and publish Board agendas and minutes and annual reports in an accessible place	For noting - work is on-going in respect of this recommendation
BP15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues	For noting - Group Leaders/ whips to be approached. Any updates on feedback to this will be provided verbally to the meeting
R25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules	For noting - Action required by national parties.
R26	LGA corporate peer reviews should include consideration of a local authority's processes for maintaining ethical standards	For noting - Action required by the LGA

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# Appendix 2

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## **GIFTS & HOSPITALITY GUIDANCE**

**PRODUCED BY T&W Internal Audit in conjunction with Legal Services and Human Resources**

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## 1 INTRODUCTION

1.1 The following guidance supplements the Law, the Council's Constitution and Financial Regulations, the Code of Conduct for Members and the Council's Code of Conduct for Employees.

1.2 This guidance applies to all Members<sup>1</sup> and employees covered by the Council's main Financial Regulations. They are equally applicable to school staff and Governors covered by the Financial Regulations for Schools.

1.3 The principles of this guidance are:

- (A) Individuals covered by this guidance will maintain conduct of the highest standard such that public confidence in their integrity is sustained.
- (B) Members and/or employees must refuse offers of gifts or hospitality where any suggestion of improper influence is possible. There can be little doubt that the acceptance of gifts or hospitality by Members or employees from persons who have, or seek to have, dealings with the authority would be viewed by the public with grave suspicion and would make the Member or employee concerned, and the Council, extremely vulnerable to criticism. This particularly applies where the offer is to an individual Member or employee.
- (C) Individuals covered by this guidance will not accept personal gifts or hospitality for their use or the use of others. Civic gifts from other public bodies or overseas study visits are acceptable.
- (D) Never accept gifts or hospitality of any nature from a tenderer:
  - 1) In the immediate period before or after tenders are invited; or
  - 2) During the tender process (including between invitation to tender and acceptance).

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<sup>1</sup> The term "members" is used in this guidance to include elected, co-opted and independent members.

- (E) Individuals covered by this guidance will not use their position within the Council for their personal gain or the personal gain of others.

1.4 To a large extent the reputation of local government depends on the conduct of its Members and employees and what the public believes about their conduct. Members and employees are expected to use common sense in assessing any situation where improper influence could be construed and no Member or employee should do anything which could give rise to accusations of improper influence and which could not be justified publicly. Disciplinary action will be taken against employees who fail to comply with this procedure. Members' failure to comply will be referred to the Monitoring Officer who will instigate the appropriate action.

1.5 If an employee is in any doubt about the right course of action to take he/she should always seek the advice of his/her Manager. If a Member is in any doubt about the right course of action he/she should seek the advice of the Monitoring Officer.

## **MEMBERS**

1.6 All issues in respect to gifts and hospitality for Members will be dealt with by the Monitoring Officer. Members will inform the Monitoring Officer of any gifts or hospitality offered or received as per the requirements of their Code of Conduct. It is the Members responsibility to update their register of interests where gifts and/or hospitality are accepted for a value of over £25.00<sup>2</sup>. A checklist is attached at **Appendix A** to assist members in supplying relevant information in respect to gifts and hospitality.

## **EMPLOYEES**

1.7 It is the responsibility of the Senior Management PA Support Team to maintain a gifts & hospitality register/file on the Intranet. The contacts are Kristy Butler and Sian McEwan. **Appendix B** is a copy of the form that needs to be completed by employees and maintained in the register file.

1.8 Schools and other decentralised establishments should set-up their own registers.

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<sup>2</sup> Members are reminded that the threshold value of £25.00 is the cumulative value from one source i.e. several gifts or hospitality from one source with a total value over £25.00.

- 1.9 This guidance does not apply where the giving is a token gift received as a “Thank you” from a customer/client in appreciation of good customer service (“token” means an item with a value of less than £25.00).

## **2 GIFTS**

- 2.1 Employees are reminded that under the provisions of Section 117 of the Local Government Act 1972, they are forbidden under the cover of their office and employment to accept any fee or reward other than their proper remuneration. Any person who contravenes this provision would be liable on summary conviction to a fine not exceeding £2500.
- 2.2 Members and employees should tactfully refuse any personal gifts offered to him/her or to a member of his/her family by or indirectly attributable to, any person or body (i.e. a contractor or supplier) who has, or may have, dealings of any kind whatsoever with the authority. This applies equally to accepting gifts from persons or a body that has applied, or may apply, to the Council for any planning or other kind of decision.

### ***The only exceptions to this rule are:***

- Small gifts of only token value (£25.00 or less) often given by way of trade advertisements or of a promotional nature to a wide range of people, e.g. calendars, diaries, mugs, pens, office stationery (including clocks), tape measures and similar articles for use in the office.
  - Small gifts of only token value given on the conclusion of a courtesy visit, e.g. to a factory or other premises.
  - Gifts/token presentations from foreign visitors/dignitaries e.g. presentation wine glasses and pennants which should be retained on Council premises.
  - Small gifts (value not exceeding £25.00) where the Member or employee concerned and also perhaps his/her spouse are personal friends of the donor and where refusal would be regarded as inappropriate. In such cases however, whilst the gift may be accepted the Member/employee concerned should explain to the donor the problems of accepting such gifts in the future.
- 2.3 In the event of any employee receiving a gift without warning which does not fall in any of the exceptions mentioned above this should immediately be given to his/her SDM/Assistant Director/Director. This person will be responsible for deciding whether the gift should be returned or whether it could be forwarded to the Mayor’s Charity Fund (see paragraph 2.5 below) or other deserving cause. In such cases, the person making the decision should inform the donor what has happened to the gift and explain the reason why gifts should not be sent in the future.

## 2.4 ***Acceptable but only if donated to Mayor's Charity Fund***

Certain gifts from **suppliers/contractors** may be accepted which would either be difficult to return or which would cause offence if they were returned. These gifts should **not** be retained by the individual who received them but should be forwarded to the Assistant Director/Director who will record them in the appropriate register and organise donation to the Mayor's Appeal. These items include:

- Bottles of wine and spirits
- Boxes of biscuits, chocolates and Easter Eggs
- Books, atlases and maps
- CDs – music or computer games
- Decorative objects such as glass tankards, glass crystal, china ornaments and paperweights
- Soft / cuddly toys

2.5 **If there is any doubt about whether a gift may be accepted the gift should be politely and tactfully refused.**

2.6 **In all cases a record should be kept of all gifts offered and whether they were accepted or not.** The action taken should be recorded in the appropriate Gifts and Hospitality register.

## 3. **GIVING AND RECEIVING HOSPITALITY**

3.1 Any hospitality **given** by Members and/or employees should be justified as in the public Interest. The hospitality given should be on a scale appropriate to the occasion and must not be extravagant. To ensure consistency if there is any doubt about what is appropriate, members should consult the Monitoring Officer and officers their Assistant Director/Director or the Human Resources SDM or Audit, IG & Insurance SDM.

3.2 Where hospitality is to be given at events to support/develop relationships with the business community (including the Council hosting a table at an event) which may include alcohol (as is the culture/accepted practice within such circles) then the officer attending should provide justification and seek authorisation from the Managing Director (or Director in his absence). The justification should include reasons for attending and an estimate of the extent of the hospitality. The Managing Director (Director) in his authorisation will set an upper limit for the expenditure on alcohol for that event and copy the authorisation and limit to the Employment Services and Audit, IG & Insurance SDM's. This limit will be based on the cost of half a bottle of "average" wine (at that specific event) per person. The officer will pay and obtain receipts for the expenditure up to the limit and claim it back using the normal expense claim forms attaching a copy of the authorisation and receipts. The officer authorising the claim will then be able to authorise reimbursement based on the appropriate information being attached.

- 3.3 Hospitality should only be **accepted** where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality.
- 3.4 Wherever **hospitality is offered this must be recorded in the appropriate Gifts & Hospitality register. The record must also show whether the hospitality was accepted or refused.**
- 3.5 **If there is any doubt about whether hospitality may be accepted then the hospitality should be politely and tactfully refused.**
- 3.6 The following are examples of hospitality that is acceptable and unacceptable: -

***Acceptable***

- Invitations to attend functions where the Member or employee represents the Council (e.g. dinners where they are invited to speak, opening ceremonies, trade shows, etc.) or functions which they attend by virtue of their position on the Council or their professional position.
- A working lunch provided to enable the parties to continue to discuss business.
- Attendance at an event held at a Council owned venue or hosted/sponsored by the Council to the extent that is reasonable and the Member/employee is representing the Council in an official capacity i.e. by virtue of their position within/on the Council.

***Unacceptable***

- Personal invitations to sporting events or other entertainment with representatives from a company or organisation which has dealings with the Council. Examples: tickets for football matches (including AFC Telford), cricket games, music concerts, golf days, boxing matches, fashion shows and after dinner speaker celebrity events.
- Tickets for other non-work related event or venue, examples: the cinema, the theatre, entry to exhibitions, Granada TV Studios tour, Blackpool Pleasure Beach and Alton Towers.
- Holidays, weekend breaks, air or rail travel or the use of a company's own holiday accommodation.

- Non-working lunches/evening meals e.g. entertainment by outside bodies or organisations involving expensive meals where work is not discussed, cabarets, nightclub entertainment etc.
- The provision of any service. Any approach should be politely but firmly refused and if required an explanation provided to the person or organisation who offered the service.

**APPENDIX A**

**CHECKLIST FOR THE INFORMATION MEMBERS SHOULD RECORD IN RESPECT TO GIFTS OR HOSPITALITY OFFERED, ACCEPTED OR REJECTED**

<b>Members Name:</b>	
<b>Contact no:</b>	

<b>Date of offer</b> (gift or hospitality):	
<b>Offer made by and relationship to T&amp;W:</b> (e.g. current supplier, prospective supplier, contractor):	
<b>Reason:</b> details of & reason for offer:	
<b>Approximate cost :</b>	
<b>If Hospitality</b> - list any alcoholic drinks included:	
<b>Gift/hospitality accepted:</b>	

<b>(YES/NO)</b>	
<b>If GIFT</b> Action taken: (e.g. donated to Mayors Charity fund)	

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## Appendix 3

<b>Member/Officer Protocol</b>
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### 1. Introduction

- 1.1. A positive and trusting relationship between members and officers is essential to ensure that the Council operates economically, efficiently and effectively providing the right services, in the right way, for local people.
- 1.2. This Protocol has been drafted to summarise the important and different contributions that members and officers make to the running of the Council. It recognises that these distinct roles impose some similar and some different responsibilities.
- 1.3. This Protocol sets out the roles and responsibilities and general principles of behaviour for members and officers, it details what members and officers can reasonably expect when working together and what would happen if the provisions of this Protocol are breached.

### 2. Responsibilities and Roles

<b>Members</b>	<b>Officers</b>
Members are responsible to the electorate and serve for their term of office	Officers are responsible to the Council and have a duty to advise the Council, committees and individual members, on the work that they do
Members are responsible for:-	Officers are responsible for:-
<ul style="list-style-type: none"> <li>the policy direction of the Council and political leadership</li> </ul>	<ul style="list-style-type: none"> <li>advising members on the development of policy</li> </ul>
<ul style="list-style-type: none"> <li>representing the Council externally</li> </ul>	<ul style="list-style-type: none"> <li>representing the Council externally</li> </ul>
<ul style="list-style-type: none"> <li>representing their constituents</li> </ul>	<ul style="list-style-type: none"> <li>implementing Council policy and day to day management of Council services</li> </ul>
<ul style="list-style-type: none"> <li>Members with special responsibilities (for example, the Leader, cabinet members, chairmen etc.) will generally work more closely with officers than those members without additional responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>Statutory officers have responsibilities over and above their obligations to the Council</li> </ul>

### 3. Expectations

	<b>Members</b>	<b>Officers</b>
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<b>Co-operative Working</b>	Members and officers:-	
	Recognise that we have a professional working partnership which means that we will treat each other with respect, dignity and courtesy	
	Will be mindful of our respective roles, workloads and pressures	
	Training and development is essential in order to carry out our respective roles effectively	
	Officers will provide members with regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold	Officers will not be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between members and officers, and the potential vulnerability of officers, particularly at junior levels
		Officers will provide timely response to enquiries and complaints
<b>Governance</b>	Members will respect the particular responsibilities of the statutory officers	
	Neither officers or members will use their position or their relationship with other officers or members to advance their personal interests or those of others or to influence decisions improperly	
	Officers and Members will at all times comply with the relevant Code of Conduct	
		Officers will not raise personnel issues with members outside the agreed procedures
<b>Politics</b>	Members must provide political leadership and direction	Officers work for and advise the Council, not a political group but will have an awareness of and sensitivity to the political environment
	Members will respect the political neutrality of officers.	Offices will provide professional advice, not influenced by political views or preference.

#### **4. Breach of these Principles or Rules**

4.1. If a member or an officer reasonably considers that an officer or member has breached any of the provisions of this protocol we agree that we will work together to resolve them informally and if this does not prove possible formal procedures will be used.

#### **4.2. Informal Resolution**

Directors may raise issues with:-

- For Members the relevant Group Leader
- For Group Leaders the Managing Director and Monitoring Officer

Members may raise issues with:-

- For officers Assistant Director
- For Assistant Director the relevant Director
- For Director / MD the Managing Director

**4.3. Formal resolution is through use, for officers, of the Grievance Procedure or the Council's Disciplinary Procedures and, for members, the Councillor's Code of Conduct**

#### **4.4. Further advice**

Further advice and assistance is available from the Managing Director and the Assistant Director: Governance, Procurement & Commissioning.

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