

## **STANDARDS COMMITTEE**

### **Minutes of a meeting of the Standards Committee held on Thursday, 30 July 2020 at 6.00 pm in Remote Meeting**

**Present:** Councillors A R H England (Vice-Chair), N A M England, J Jones (Chair), P J Scott and J M Seymour

**Apologies:** R T Kiernan and G C W Reynolds

#### **ST9        Declarations of Interest**

None.

#### **ST10       Minutes of the Previous Meeting**

**RESOLVED** – that the minutes of the meeting held on 4 February 2020 be confirmed and signed by the Chair.

#### **ST11       Terms of Reference**

The Chair introduced the Terms of Reference for Standards Committee. The Constitution required that Full Council should agree at its Annual Meeting the Terms of Reference for each of its Committees to enable the Council to efficiently conduct its business. At the Annual Meeting on 21 May 2020, Full Council delegated authority to each Committee to review its own Terms of Reference.

There were no changes to the Standards Committee Terms of Reference.

**RESOLVED** – that the Terms of Reference be approved.

#### **ST12       Consultation on Draft Model Code of Conduct**

The Associate Director: Policy & Governance reported that the Standards Committee had received a report from the Committee on Standards in Public Life (CSPL) in June 2019 relating to the Local Government Ethical standards with the recommendation that all authorities adopt the same code of conduct. Some of the recommendations did required legislative changes. The Local Government Association (LGA) had since published a draft Model Member Code of Conduct for consultation with all tiers of local government which Members were asked to consider. Appendix 3 to the report was a table showing LGA questions, the Monitoring Officers responses and a section for Members' views and it was suggested that Members consider and put forward their responses to each individual question.

Question	MO observation/comments	Committee comments
Are you... <ul style="list-style-type: none"> <li>• A Councillor</li> <li>• An officer</li> <li>• Answering on behalf of a whole Council (Please provide council name below)</li> <li>• Other (please specify)</li> </ul>	<b>Proposed answer:-</b> Answering on behalf of a whole Council (Telford and Wrekin Council)	
Please indicate your council type <ul style="list-style-type: none"> <li>• Community/Neighbourhood/Parish/Town</li> <li>• District/Borough</li> <li>• County</li> <li>• Metropolitan/Unitary/London Borough</li> <li>• Other (please specify)</li> </ul>	<b>Proposed answer:-</b> Metropolitan/Unitary/London Borough	
<p><b>Application of the Code</b></p> <p>Under the Localism Act 2012, the Code of Conduct applies to councillors only when they are acting in their capacity as a member. The LGA believes that because councillors are elected by the public and widely recognised by the public, it makes sense for them to continue to model these behaviours when they are making public comment, are identifying as a councillor and when it would be reasonable for the public to identify them as acting or speaking as a councillor. The Committee on Standards in Public Life supported this approach in their report into Local Government Ethical Standards. Whilst the LGA is waiting for Government's response to these recommendations the option has been added in square brackets as it would need changes in legislation</p>	<p>This reflects the comments made by the CSPL.</p> <p>As an observation, many Standards complaints now arise as a result of social media activity on the part of councillors even where such activity may <b>strictly</b> be carried out in a personal capacity. It is apparent that many members of the public are aware that a person is an elected member even if their social media profile does not indicate this to be the case.</p> <p>Some complaints are dismissed by the MO and Independent Person due to the fact that social media activity was undertaken by the individual rather than the elected member.</p> <p>Given that the CSPL report was partly driven by a perception that ethical standards should be driven higher, it seems sensible to extend the Code to the circumstances suggested by the LGA.</p>	<p><b>Assistant Director (AD) - Capacity of Councillor and when code of conduct applies to Member. Current position Code of Conduct when acting as a Councillor. A lot of confusion and activity about member conduct and public perspective, especially around social media.</b></p> <p><b>Recommendation is widened to members acting as Councillors, when purporting to act as Councillor or representing Council business. Reflects recommendation from Committee for Standards of public life</b></p> <p><b>Councillor J Seymour strongly agreed</b></p>

that this should be strengthened. When in public office of any kind and felt that where was never any time when you are not – Councillor. The public know who you are. You are easily identified as Councillor if you do anything out of order and this applies at all times

Councillor P Scott disagreed with this as there were moments in their lives when Councillors were just themselves and as long as the opinion was clear as acting as themselves as an individual and not a Councillor. They were entitled to an opinion and express this as long as they follow policy. He wouldn't like to see Councillors being overwhelmed and stopped from being themselves

Councillor Seymour wasn't suggesting Councillors couldn't have opinions but may not agree with one another is not the same thing it's how

you behave and how you treat people with civility and respect and not the time, that shouldn't apply, that way you are always a Councillor and it could reflect badly on yourself and the Council.

Councillor Scott expressed that with social media you can't say that you are a Councillor. As long as they made it a correct statement and it was not abusive. Personal freedom may become –lost if too difficult with the ruling.

Councillor A England agreed with both Councillor Seymour and Councillor Scott. He felt there were pros and cons with everything. He said to put ward what had been suggested and then work with it as in time things would transpire and be deemed acceptable or not and suggested what is written and work with it – as time goes on some things deemed acceptable or not

		<p>as the document evolved.</p> <p>The Chair has said a training session had taken place and there had been lots of debate on this subject.</p>
<p><b>Q1.</b> To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?</p> <ul style="list-style-type: none"> <li>• To a great extent</li> <li>• To a moderate extent</li> <li>• To a small extent</li> <li>• Not at all</li> <li>• Don't know/prefer not to say</li> </ul> <p><b>Q1a.</b> If you would like to elaborate on your answer, please do so here:-</p>	<p><b>Suggested response:-</b></p> <p><b>Q1.</b> To a great extent</p> <p><b>Q1a.</b> It seems reasonable to suggest that members should be bound by the Code when they are publicly acting as and identifying as a councillor including when representing the council on official business. The wording of "giving the impression that they are acting as a councillor" leaves room for interpretation and places the burden on the IP/MO to decide if a councillor is "giving the impression" that they are acting as a councillor. This differs very little from the current position where it is open to the IP/MO to reach a conclusion around whether or not the member was acting in their capacity as an elected councillor. It would provide greater certainty if this wording was altered to indicate that the Code 'caught' members where a member of the public felt that they were acting in their council capacity and that there was a rebuttable presumption that a member <b>was</b> acting in their official capacity on social media unless they stated otherwise with wording such as "personal views only and not</p>	<p><b>Assistant Director: To what extent did Members support the proposal</b></p> <p><b>Great Extent was suggested as members of public have an expectation of how Councillors should behave</b></p> <p><b>Members were in agreement.</b></p> <p><b>Councillor J Seymour felt that it could go further</b></p> <p><b>Assistant Director commented that guidance and helpful hints and tips for Monitoring Officers would come forward.</b></p>

	representative of X Council's position".	
<p><b>Q2.</b> Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations and which are guidance?</p> <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> <li>• Don't know</li> </ul>	<p>Although the Model Code makes reference to some legislative requirements, it does not appear to be written in a manner that a lay person would necessarily be able to make the distinction between guidance, obligations and legal requirements. This could lead to confusion for those who wish to make a complaint and, potentially, result in misinformed complaints being made.</p> <p><b>Proposed response:-</b></p> <p>No</p>	<p><b>Assistant Director - was the guidance / obligations sufficiently clear</b></p> <p><b>Monitoring Officers are more likely to identify differences than a lay person in the Code of Conduct. Suggested response to include "not for all audiences".</b></p> <p><b>Members were in agreement.</b></p>
<p><b>Q3.</b> Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?</p> <ul style="list-style-type: none"> <li>• Personal tense ("I will")</li> <li>• Passive tense ("Councillors should")</li> <li>• No preference</li> </ul>	<p>If the authority intends to require all councillors to sign a declaration of commitment to the Code, the personal tense is appropriate and works well. However, for members of the public referring to the Code of Conduct, and for inclusion within the Council's Constitution, the passive tense is more appropriate.</p> <p><b>Proposed response:-</b></p> <p><b>Do not respond to question 3 and include text as above in response to question 17.</b></p>	<p><b>Assistant Director reported that the Code written slightly differently than the Members were used to as it used personal tense. Do members like this personal tense or passive tense be used? The AD's view was that it was essentially forming a contract with members of public. No response would be put in at this stage but it would be added to the comments at the end to give it more context.</b></p> <p><b>Commitment for Members was good – but this</b></p>

		<p>formed part of the constitution where the use of personal tense would be out of context.</p> <p>Member commitment to the code could remain in passive tense.</p> <p>Councillor J Seymour was in agreement. It was necessary to sign Code of Conduct at each election and this should certainly be in the first person other references could be in the passive tense.</p> <p>The AD confirmed that there was currently no legal requirement to sign up to the Code of Conduct and this would be a legislative change. There was an expectation that Local Authorities would sign up to code and a signature given by each Member.</p>
<p><b>Specific obligations</b> The Code lists <u>12 specific obligations</u> – these set out a minimum standard councillors are asked to adhere to.</p> <p>Each obligation or group of obligations is put into a wider context to explain why that particular obligation is important.</p>		
<p><b>Q4.</b> To what extent do you support the 12 specific obligations (set out below)?</p>	<p>See response to question 5 for more information and</p>	<p><b>Assistant Director asked</b></p>

<ul style="list-style-type: none"> <li>• To a great extent</li> <li>• To a moderate extent</li> <li>• To a small extent</li> <li>• Not at all</li> <li>• Don't know/Prefer not to say</li> </ul> <ol style="list-style-type: none"> <li>1. Treating other councillors and members of the public with civility</li> <li>2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play</li> <li>3. Not bullying or harassing any person</li> <li>4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council</li> <li>5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so</li> <li>6. Not preventing anyone getting information that they are entitled to by law</li> <li>7. Not bringing my role or council into disrepute</li> <li>8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else</li> <li>9. Not misusing council resources</li> <li>10. Registering and declaring my interests</li> <li>11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage</li> <li>12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt</li> </ol>	<p>explanation as to proposed responses.</p> <p><b>Proposed response:</b> To a moderate extent</p> <p>To a moderate extent</p> <p>To a great extent To a great extent</p> <p>To a great extent</p> <p>To a great extent</p> <p>To a great extent</p> <p>To a great extent To a great extent To a great extent</p> <p>To a moderate extent</p>	<p><b>Members what extent the agreed to the 12 obligations. Most shouldn't come as surprise as the Code of Conduct was based on the 7 Nolan principles Suggested various responses</b></p> <p><b>The AD raised concerns regarding the use of "civility" and if this was the right phrase to be used.</b></p> <p><b>Councillor A England agreed to some extent as Councillors remained civil where they can, but this can change outside of the organisation ie attending a public meeting where strong community feelings and politics can be involved. Stronger language can be used but swearing is not acceptable. Councillors should have some ability to speak their mind.</b></p> <p><b>Councillor P Scott was in agreement there were moments when you could lose your temper</b></p>
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		<p>to a point and all Members would show civility, but if a complaint was made to the Monitoring Officer it would be necessary to bear this in mind as Councillors were still people and still individuals.</p> <p>Councillor J Seymour disagreed and felt that you could express your opinions without need to swear be rude or lose your temper as this undermined arguments.</p> <p>Councillor A England raised concerns regarding private conversations being overheard within a Parish Council with fellow Councillors – this was not a public forum, it wasn't on facebook or a public debate.</p> <p>Councillor J Seymour suggested that when talking to fellow Councillors it depends how you're doing it – if it was a public situation it would not be good behaviour. If there were no</p>
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		<p>Members of the public then you can get a little more heated. Some people had difficulty keeping control and standards need to be kept.</p> <p>The Chair said that the 12 obligations were pretty standard and there were times people could become quite passionate about local causes but they must remain true and factual and not be rude.</p> <p>The AD reminded Members that this only applied if acting as a Councillor and not the wider perspective.</p> <p>The definition of civility will be commented on later in the consultation. The AD commented swearing is not being civil, others think shouting is not civil, one of points is the meaning of civility is not clear and will be touched on later in consultation. It is the AD's experience of Members that they are not to each other but</p>
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that they have dynamically opposing views and it is the discourse that takes place and whether it is civil or strongly expressed views that civility means.

The Chair expressed that a lot of Member training would be needed once the Code had been adopted and agreed.

The AD confirmed that if adopted, the LGA would release guidance and examples and they would undertake Monitoring Officer training and promote high standards in public life for both Borough Councils and Parish Councils where training would be offered.

The Chair suggested that all Parish and Town Councils should buy into the code of conduct.

The AD suggested that Members agree with principle 1 to moderate and express a view on civility and

that question 2 was also covered in this question.

**Members Agreed**

The AD suggested Members agree to a great extent to no bullying and harassing – although it needed definition and context around it.

**Members Agreed**

AD - 4 not compromising impartiality for or on behalf of the Council. This was the same as –honesty transparency etc in our current code. It was suggested that Members greatly agree

**Members Agreed**

AD - 5 confidential info – The consent of the person to authorise release or if required to by law. The commitment they won't disclose onwards without permission or court request. Suggested response – great extent

**Members Agreed**

		<p>AD - 6 getting information you are entitled to – suggested great extent</p> <p><b>Members Agreed</b></p> <p>AD – 7 - Role of Councillor not being taken into disrepute. This is in the current code - greatly agree</p> <p><b>Members Agreed</b></p> <p>AD – 8 – This was similar to no 4 – not using position of Councillor improperly to advantage or disadvantage – integrity. Suggested response - great extent.</p> <p>The Chair asked if it covered declarations of interest.</p> <p>AD – it could but a separate part of code covers that. This was more about investigations that members misused their position to purchase property at a lower value or goods or influence things such as getting parking tickets rescinded, this is what is it</p>
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		<p>designed to protect.</p> <p>Members Agreed</p> <p>AD - 9 - not misusing council equipment. Suggested response -great extent</p> <p>Members Agreed.</p> <p>AD - 10 - registering and declaring interests. The Council already has this obligation so it was suggested that Members agree this to a Great Extent</p> <p>Councillor A England felt that this appeared to be over the top when referencing interests of friends of friends and how far would this go and needed to be limited to immediate family, business and work colleagues.</p> <p>AD commented that there was a question further on regarding specifics and this was a general catch all and was concerned with the principle of declaring interests. The</p>
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		<p>suggested wording requirement might need to be looked at.</p> <p><b>Members Agreed</b></p> <p><b>AD – 11 – Not accepting gifts and hospitality. It was suggested that Members agree to a Great Extent</b></p> <p><b>Members Agreed</b></p> <p><b>AD – 12 - Registering gifts or hospitality over £25. It was suggested that Members agree to a moderate extent in principle as it did not cover any cumulative gifts – ie gifts given regularly which add up over time. Wording including cumulative gifts is covered further on in the questionnaire.</b></p> <p><b>Members agreed.</b></p>
<p><b>Q5.</b> If you would like to propose additional or alternative obligations, or would like to provide more comment on a specific obligation, please do so here</p>	<p><b>Proposed response:-</b></p> <p>Obligation 1 – given that the purpose of the Model Code and the theme of the CSPL report in January 2019 was to raise ethical standards within local government, ‘civility’ seems a fairly low burden to be met. This does not even seem to reach the threshold of mutual respect. One can be disrespectful to someone in</p>	<p><b>AD - Need to add info around obligations. Civility is this a lower burden than respect? The Council’s code refers to respect. Following the training session it was felt you could be respectful but</b></p>

	<p>a civil manner and there is a risk that the code would not address repeated instances of disrespect.</p> <p>Obligation 2 – as above regarding the threshold of civility.</p> <p>Obligation 12 – This authority welcomes the lower cap on hospitality and gifts compared with that suggested by CSPL, however, the draft Code is silent on cumulative value of gifts from one party and would welcome some provision to address this point also.</p>	<p><b>not civil. The AD also felt that you could be respectful and not civil,</b></p> <p><b>Cllr J Seymour suggested civil and respectful were more forceful together rather than separated out.</b></p> <p><b>Members were In Agreement</b></p> <p><b>AD commented that Obligation 2 had the same wording</b></p> <p><b>Obligation 12 – gifts and hospitality cumulative total</b></p> <p><b>AD explained that declarations of interest were covered but not in question 5.</b></p>
<p><b>Q6.</b> Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?</p> <ul style="list-style-type: none"> <li>• As a list</li> <li>• Each specific obligation followed by its relevant guidance</li> <li>• No preference</li> </ul>	<p>The guidance following each obligation seems a sensible approach and, for a layperson, may be a logical manner in which to set out the meaning of the Code. However, the current format of the Code (in two columns per page) can lead to confusion, especially for those people who are reliant upon digital screen readers due to visual impairment.</p> <p><b>Suggested response:-</b> Each obligation followed by its relevant guidance but more detail regarding the layout of the Code to be added to the response to</p>	<p><b>AD - Presentation of code. A list of obligations and guidance separate would give given separately, Members were asked if they would prefer obligations/ guidance on the same document. The AD felt that one comprehensive document would be easier for reference</b></p> <p><b>Members</b></p>



	<b>the final question</b>	<b>Agreed.</b>
<p><b>Q7.</b> To what extent do you think the concept of ‘acting with civility’ is sufficiently clear?</p> <ul style="list-style-type: none"> <li>• To a great extent</li> <li>• To a moderate extent</li> <li>• To a small extent</li> <li>• Not at all</li> <li>• Don’t know/prefer not to say</li> </ul> <p><b>Q7a.</b> If you would like to suggest an alternative phrase that captures the same meaning or would like to provide a comment on this concept, please do so here</p>	<p><b>Suggested response:-</b>  <b>Q7.</b> To a small extent</p> <p><b>Q7a.</b> The dictionary definition of “civility” is <i>politeness or courtesy</i>. The dictionary definition of “respect” is <i>to have a good opinion of someone</i>. The nature of local government (and any party politics) is that there will be disagreements on complex issues. However, the way in which such disagreements are articulated can, and should, be with respect to those with whom an individual disagrees. Please see, also, response to question 5.</p>	<p><b>AD suggested to Members that the response to this question was small extent</b></p> <p><b>This meeting had demonstrated that this question was subjective</b></p> <p><b>AD - Narrative 7a – alternative meaning was required – not a suitable dictionary definition due to the nature of local government and politics – ie civil and respectful manner</b></p>
<p><b>Q8.</b> To what extent do you think the concept of “bringing the council into disrepute” is sufficiently clear?</p> <ul style="list-style-type: none"> <li>• To a great extent</li> <li>• To a moderate extent</li> <li>• To a small extent</li> <li>• Not at all</li> <li>• Don’t know/prefer not to say</li> </ul> <p><b>Q8a.</b> If you would like to suggest an alternative phrase that captures the same meaning or would like to provide a comment on this concept, please do so here.</p>	<p><b>Proposed response:-</b>  <b>Q8.</b> To a small extent.</p> <p><b>Q8a.</b> Experience suggests that members of the public find this concept confusing and frequently consider that expressing views which differ from one party or another is sufficient to bring the Council into disrepute/warrant a complaint. Additionally, the phrase introduces opportunity for inconsistent application of the Code across authorities as those charged with administering the Code will be responsible for interpreting whether or</p>	<p><b>AD – this referred to bring the Council into disrepute and if it was sufficiently clear.</b></p> <p><b>It was suggested Members agree to a small extent.</b></p> <p><b>This was more of a public understanding and following the Monitoring Officer’s experience where a member of public disagrees with a political party or has sympathy with an issue, it may not be a code of conduct</b></p>

	<p>not a complaint is about something which brings the authority into disrepute. It is a very subjective test.</p>	<p>issue and she felt a narrative needed adding Phrase needs to have some context or narrative to make the phrase clearer.</p> <p>Councillor P Scott expressed that you can disagree pleasantly, but the Monitoring Officer can receive complaints from the public as they feel it is an easy way to get at a Councillor</p> <p>Councillor J Seymour felt that bringing council into disrepute was reasonably well understood – it was how a Councillor behaved that could bring Council into disrepute if a Councillor was rude and angry</p> <p>AD commented that there would be guidance that accompanied the code. Adding a narrative would help the LGA understand the Council's concerns. When a complaint comes in it is reviewed by the Independent Person and the Monitoring</p>
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		<p>Officer separately to examine if it is a complaint as people can try to misuse it and any vexatious complaints are ruled out.</p> <p>Councillor N England asked if there would be examples of Councils being brought into disrepute.</p> <p>AD explained that guidance would be issues and this would have clear examples of all obligations and hoped that if the new code was adopted it would be easy to read, user friendly and was suitable for all audiences and accessible for all. Hundreds of Councils at all levels had been asked to respond LGA who will then consolidate the feedback try to find a one size fits all document.</p> <p>Members Agreed</p>
<p><b>Q9.</b> To what extent do you support the definition of bullying and harassment used in the code in a local government context?</p> <ul style="list-style-type: none"> <li>• To a great extent</li> <li>• To a moderate extent</li> <li>• To a small extent</li> <li>• Not at all</li> <li>• Don't know/prefer not to say</li> </ul>	<p><b>Suggested response:-</b></p> <p><b>Q9.</b> To a moderate extent</p> <p><b>Q9a.</b> It is recognised that</p>	<p><b>AD - Bullying and harassment and a supplementary question. It was suggested that Members consider this to a moderate extent.</b></p> <p><b>Definition of</b></p>

<p><b>Q9a.</b> If there are other definitions you would like to recommend, please provide them here</p>	<p>the definition provided replicates, to a large extent, the wording of the ACAS definition of bullying within the workplace. However, we consider that behaviour that, as a one-off, might be considered acceptable, can be considered bullying if it is repeated and/or persistent. For example, placing unreasonable demands on officers or expecting work to be undertaken outside of normal office hours. Additionally, the definition within the Code does not include sexual harassment and, whilst incidents of such nature are rare, it is important that the Code addresses this. This authority welcomes the additional information provided by the CSPL at page 34 of its report on what might amount to bullying behaviour; this, in our view, goes beyond the definition provided by the LGA. It is also considered reasonable that the definition includes reference to protection for those officers charged with statutory roles who may, at times, find that their roles bring them into conflict with Members eg. Head of Paid Service, s.151 officer and Monitoring Officer.</p>	<p><b>bullying included behaviour that may be characterised offensive, abuse or misuse of power. A regular pattern of behaviour or could be a one off. It could be face to face, social medial, Email, phone call and may not always be noticed by others</b></p> <p><b>Equality act definition includes unwanted conduct to protective characteristic, behaviour which is degrading or humiliating</b></p> <p><b>Current wording suggested</b></p> <p><b>AD - Does it go far enough?</b></p> <p><b>It largely represented ACAS harassment and bullying but some behaviour as a one off might be acceptable. The AD's view was prolonged behaviour could amount to bullying, this could be in high pressured environment where an expectation to complete a high</b></p>
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		<p>volume of work in a short space of time – this could be considered unreasonable. The expectation was that bullying was subjective and there was no reference to sexual harassment</p> <p>Councillor J Seymour concurred with all of the AD's views.</p> <p>Councillor A England said that bullying was in the mind of the beholder and how people interpret it and reasonableness should be considered. He hoped this would come out through the examples and precedents.</p> <p>AD – The narrative would be used to influence the guidance and yes there was a slight counter to that in the law where the position of harassment is the view of the recipient and this can be subjective – ie in employment tribunals a reasonably held view was the</p>
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		<p>test. Heads of Paid Service and S151 Officers can be exposed to bullying and harassment in their statutory roles and it was necessary to expressly protect these roles.</p> <p>Councillor J Seymour felt that reasonable was acceptable.</p> <p>The Chair felt something else was needed in this section and agreed with Councillor Seymour</p> <p>Members Agreed.</p>
<p><b>Q.10</b> Is there sufficient reference to the use of social media?</p> <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> <li>• Don't know/prefer not to say</li> </ul> <p><b>Q.10a.</b> Should social media be covered in a separate code or integrated into the overall code of conduct?</p> <ul style="list-style-type: none"> <li>• Separate code</li> <li>• Integrated into the code</li> <li>• Don't know/prefer not to say</li> </ul> <p><b>Q.10b.</b> If you would like to make any comments or suggestions in relation to how the use of social media is covered in the code please do so here</p>	<p><b>Proposed response:-</b></p> <p><b>Q.10</b> No</p> <p><b>Q.10a</b> Separate code</p> <p><b>Q.10b</b> Whilst it is considered that a separate code would be useful so that details of what is acceptable conduct on social media on the part of Members, it is the view of this authority that it would remain appropriate to retain an obligation within this model code of conduct to the requirement for members to comply with a</p>	<p><b>AD – with regard to the use of social media it was suggested the response be No</b></p> <p><b>90% of complaints received by the Monitoring Officer was around social media</b></p> <p><b>AD – with regard to the supplementary question should this be covered in the code it was suggested that Members answer Yes. Members requested a separate code</b></p>

	<p>separate social media code of conduct.</p>	<p>and protocol.</p> <p>The Chair was in total Agreement with the AD's suggestions.</p> <p>Councillor P Scott expressed the difficulties with social media and for those that engaged there was a line that should not be crossed. It had improved but needed strict guidance the stronger the better to make it a safer place to converse</p> <p>Councillor Seymour agreed with Councillor Scott in that a strong separate code spelling out what was acceptable in detail.</p> <p>The Chair felt that some Councillors avoided social media due to repercussions, but it was important that it was covered. She asked how the LGA would go about this.</p> <p>AD - explained that some authorities have had a go at writing their own policies and others hadn't. If the LGA had</p>
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		<p>enough support they will write a policy. Following comments made by Councillors they felt that it was often one sided in favour of the public. Telford and Wrekin had a suite of things that were done when complaints received.</p> <p>The Chair felt there was a long way to go with this</p> <p>AD felt that the Council would be in a better position than currently.</p> <p>Members Agreed.</p>
<p><b>Registration and declaration of interests</b>  The law at present requires, as a minimum, registration and declaration of 'Disclosable Pecuniary Interests' – that is matters which directly relate to the councillor and their partner if applicable.</p> <p>The LGA is proposing that all councillors are required to declare interests where matters also relate to or affect other family members or associated. The LGA has broadened the requirement to declare interests beyond this current statutory minimum in line with a recommendation from the Committee on Standards in Public Life. These specific provisions are set out in <b>Appendix B</b> of the Code.</p> <p><b>Q.11.</b> To what extent do you support the code going beyond the current requirement to declare interests of the councillor and their partner?</p> <ul style="list-style-type: none"> <li>• To a great extent</li> <li>• To a moderate extent</li> <li>• To a small extent</li> <li>• Not at all</li> <li>• Don't know/prefer not to say</li> </ul>	<p>The Code of Conduct for many authorities already goes beyond that set out in law</p> <p><b>Proposed response:-</b>  <b>Q.11</b>  To a great extent</p>	<p>AD asked Members if they supported, or not, the declarations of interest in respect of family members and associates. It was suggested that Members agree this to a great extent although make comments regarding the phrase "close associate" as this is not defined and open to interpretation</p> <p>The AD suggested that</p>



**Q.11a** If you would like to elaborate on your answer, please do so here.

**Q.11a** – the phrase “close associate” is not defined and is open to interpretation from council to council. It would be useful if this could be expanded upon or removed in its entirety.

family or friends was removed in entirety as “friends” could be any relationship. It was also suggested that the word associates is expanded or removed

Councillor A England suggested it should be subject to so far as is reasonably practicable.

AD felt that tightening or removing this made it more certain.

Councillor J Seymour felt it should be extended to family but associates was just too broad and would be impossible to monitor.

The Chair felt at the training they did define associated a little better.

AD confirmed that they did define it, but the definition or explanation is a description of a friend but did associate add anything

		<p>The Chair felt this was limited.</p> <p>Councillor A England supported Councillor Seymour's comments.</p> <p>Members Agreed.</p>
<p><b>Q.12</b> should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code of conduct currently references it?</p> <ul style="list-style-type: none"> <li>• In the main body of the code</li> <li>• In the appendix</li> <li>• Other (please specify)</li> <li>• Don't know/prefer not to say</li> </ul> <p><b>Q.12a</b> If you would like to make any comments or suggestions in relation to how the requirement to declare interests is covered in the code, please do so here</p>	<p>It is the Monitoring Officer's view that the Code needs to be as easy as possible to read. To this end, including Appendices that actually form part of the substantive requirements placed upon Members is unhelpful and, in some authorities, could lead to the appendices being excluded from the Code inadvertently.</p> <p>Many authorities extend interests wider than just those relating to spouse/partner (to include other relatives and friends). This is due to the perception of bias/predetermination. The suggested additions to the definition of interest aligns with this approach.</p> <p><b>Suggested response:-</b> Q.12. In the main body of the code</p>	<p>AD asked Members if declarations of interest should remain in the main code or be as set out in an appendix as it currently was. The Code needed to be easy and accessible and if obligations were separate it was unhelpful and she felt it should be in code of conduct</p> <p>Members Agreed</p> <p>AD - reiterated that many authorities extended beyond a direct partner. A lot of authorities already do this and the suggestion aligned with that, notwithstanding the work relating to "associates".</p>
<p>It is also suggested that more outside interests should be registered than is the current statutory minimum. These are set out in <b>Table 2 of the Appendix</b> and are designed to demonstrate to the community transparency about other bodies with which the</p>	<p>These requirements broadly reflect the requirements of our declaration of interest form.</p>	<p>AD - Outside interests should be registered as a statutory minimum. This</p>

<p>councillor is engaged.</p> <p><b>Q.13</b> To what extent do you support the inclusion of these additional categories for registration?</p> <ul style="list-style-type: none"> <li>• To a great extent</li> <li>• To a moderate extent</li> <li>• To a small extent</li> <li>• Not at all</li> <li>• Don't know/Prefer not to say</li> </ul> <p>Any organisation, association, society or party of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council</p> <p>Any organisation, association, society or party that exercises functions of a public nature of which you are a member or in a position of general control or management</p> <p>Any organisation, association, society or party directed to charitable purposes</p> <p>Any organisation, association, society or party of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</p> <p><b>Q.13a</b> If you would like to propose additional or alternative <b>categories</b> for registration, please provide them here</p>	<p><b>Suggested response:-</b> To a great extent to all</p>	<p>was already a Council requirement, the Code is requesting what the Council already as the law is much smaller ie employment, land. Our current form asks for outside interests, employment, sponsorship, contracts, land and property, licences, tenancies securities/shares and capital in a body. Is this enough or should it go further. The AD suggested that as it is what the Council already have that they agree to a great extent.</p> <p>Councillor J Seymour asked if you needed to declare you are a member of an organisation</p> <p>AD confirmed that it would need to be as substantial control ie board member, director and have some element of control and that the Council's code already required them to do this</p> <p>AD also commented that</p>
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		<p>with regard to a Trustee position again there needed to be an element of control and where bodies overlap with Council and Council decisions may be effected the Council already provided for this so it was not really an issue.</p> <p><b>Members Agreed</b></p>
<p><b>Q.14</b> To what extent do you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?</p> <ul style="list-style-type: none"> <li>• To a great extent</li> <li>• To a moderate extent</li> <li>• To a small extent</li> <li>• Not at all</li> <li>• Don't know/prefer not to say</li> </ul> <p><b>Q.14a</b> If you would like to elaborate on your answer please do so here.</p>	<p><b>Suggested response:-</b>  <b>Q.14</b> To a great extent</p>	<p><b>AD – suggested that Members don't accept gifts</b></p> <p><b>Support obligation to a great extent nothing more to add</b></p> <p><b>Members Agreed</b></p>
<p><b>Q.15</b> The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?</p> <ul style="list-style-type: none"> <li>• Yes</li> <li>• Yes, but the amount should be reviewed annually with the code's review</li> <li>• No, it should be lower (please specify)</li> <li>• No, it should be higher (please specify)</li> <li>• Don't know/prefer not to say</li> </ul>	<p>The CSPL suggested imposing a limit of £50 which is aligned with the financial limit for gifts or donations for election campaigns. TWC's policy has, for some years, been subject to a limit of £25 and, at the last Standards Committee meeting, it was felt that this should remain the position. The LGA Model Code of Conduct suggests a limit of £25 but does not account for any cumulative gifts from one source.</p> <p><b>Suggested response to be added to Q.17 response:-</b>  It would be welcomed if there was also express provision for registration of gifts from one source with a</p>	<p><b>AD confirmed that this had already been discussed earlier. The CSPL suggested this be increased to £50 and it was agreed to keep</b></p> <p><b>Support £25</b></p> <p><b>Councillor J Seymour asked over what period of time ie cumulative over a year</b></p> <p><b>AD confirmed that they haven't put a time period. Any individual gift of £25 but if</b></p>

	cumulative value of £25 or more.	<p><b>you received regular gifts over £25 it would be the source of gift and not the period of time</b></p> <p><b>That was the Council's current position LGA did differ</b></p> <p><b>Members Agreed</b></p>
<p><b>Q.16</b> the LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? Please rank 1 – 5 with 1 being the most useful.</p> <ul style="list-style-type: none"> <li>• Regularly updated examples of case law</li> <li>• Explanatory guidance on the code</li> <li>• Case studies and examples of good practice</li> <li>• Supplementary guidance that focuses on specific areas, eg. social media</li> <li>• Improvement support materials, such as training and e-learning packages</li> </ul> <p><b>Q.16a</b> If you would like to suggest any other accompanying guidance, please do so here</p>	Member's views are sought on which would be most helpful.	<p><b>AD - Members were asked to express a preference to the guidance. LGA had given some examples of how they presented the scale of 1 to 5 with 1 being the most useful. There would be some updated case law.</b></p> <p><b>Councillor A England asked if there would be some explanatory guidance and examples of good practice. He felt that Parish Clerks would be required to discuss items with the Parish Council.</b></p> <p><b>Councillor J Seymour felt it was a personal opinion with case studies rating number 1 and the rest were hard to split</b></p>

		<p>AD suggested that if she ranked them accordingly and then circulated the information to Members for them to agree via email.</p> <p>Members agreed.</p>
<p><b>Q.17</b> If you would like to make any further comments about the code, please do so here</p>	<p><b>Suggested response:-</b></p> <ul style="list-style-type: none"> <li>• TWC would welcome provision which required Members to sign a commitment to the Code upon commencement of each term of office as well as for each authority that they may be a member of, if dual or triple-hatted.</li> <li>• It would be useful if the Code included provision for Code of Conduct training to be a mandatory requirement for all Members both on appointment to their initial term with regular refresher training (at least upon re-election).</li> <li>• In response to question 3, If the authority intends to require all councillors to sign a declaration of commitment to the Code, the personal tence is appropriate and</li> </ul>	<p>AD suggested that the response would be to sign a commitment to the code upon re-election. Each authority ie parish or borough sign for each respective appointment. It would be useful to include the provision of code of conduct training as mandatory initially and upon re-election otherwise it is a long time to go without any code of conduct training</p> <p>Councillor A England was totally in agreement with the protection of members of the public, but what about the rights of councillors ie malicious accusations needed to be dealt with honestly and fairly and councillor know what a grievance was about and</p>

works well. However, for members of the public referring to the Code of Conduct, and for inclusion within the Council's Constitution, the passive tense is more appropriate.

- With regards to question 6, the guidance following each obligation seems a sensible approach and, for a layperson, may be a logical manner in which to set out the meaning of the Code. However, as an inclusive Council, TWC would like to make the point that the current format of the Code (in two columns per page) can lead to confusion, especially for those people who are reliant upon digital screen readers due to visual impairment.
- Finally, in relation to gifts and hospitality, it would be welcomed if there was also express provision for registration of gifts from one source with a cumulative value of £25 or more.

have the ability to make representations. It was also suggested that mediation was also missing and he would like to see that side of the code developed. Code of conduct material needed to be more explicit

AD said this was a valid point. There was a great expectation on Monitoring Officer who investigate complaints. There was a lot of guidance but no standard process, policy or procedure that set out how Monitoring Officer treats and deals with Members and the reciprocal relationship. This was not strictly relevant but a relevant side issue which she would add and circulate to members

The chair was in agreement with this.

Councillor P Scott concurred the important point Cllr England had raised as he felt the code was a

bit one sided to public.  
Councillors had the right to know about complaints made against them and give their version, this was very important and he totally supported this.

The Chair felt it would be good to know the rights and expectations that the Monitoring Officer expects from the Councillor.

AD would put together some responses and information.

The Code provided for mandatory training within a specified period and members sign up to code.

Members Agreed.

AD confirmed that with regard to personal tense and passive tense inclusion in constitution this was just repeating what had been said earlier.

It was asked that any comments from Members be passed to the Assistant



		<b>Director or the Chair.</b> <b>Some Members thanked the Assistant Director for all of her work that had been undertaken during the Covid 19 Pandemic.</b>
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The meeting ended at 7.31 pm

**Chairman:** .....

**Date:** Wednesday, 24 March 2021