



AGENDA

COUNCIL MEETING

MONDAY, 21ST MARCH 2022 – 5.30 PM

Members of the Council are summoned to a meeting of the Mid Suffolk District Council at King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Monday, 21st March, 2022 at 5.30 pm.

A handwritten signature in black ink, appearing to read 'Arthur Charvonja'.

Arthur Charvonja
Chief Executive



MSDC COUNCIL	
DATE:	MONDAY, 21 MARCH 2022 5.30 PM
VENUE:	KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

This meeting will be broadcast live to YouTube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting in person you will be deemed to have consented to being filmed and to the possible use of the images and sound recordings for webcasting/ training purposes.

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

**PART 1
MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT**

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In accordance with Council Procedure Rule 11, The Chief Executive will report the receipt of any petitions. There can be no debate or comment upon these matters at the Council meeting.

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| 7 | QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES | |
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The Chairman of the Council to answer any questions from the public of which notice has been given no later than midday three clear working days before the day of the meeting in accordance with Council Procedure Rule 12.

8	QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES	
	The Chairman of the Council, Chairs of Committees and Sub-Committees and Portfolio Holders to answer any questions on any matters in relation to which the Council has powers or duties or which affect the District of which due notice has been given in accordance with Council Procedure Rule 13.	
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a	TO CONSIDER THE MOTION ON NOTICE RECEIVED FROM COUNCILLOR MORLEY	

This Council supports the petition launched by ADSO and LLG on 5 January with regard to remote and hybrid meetings. We agree to write to the Secretary of State for Levelling Up, Housing and Communities calling on the Government to change the law to allow councils the flexibility to hold such meetings when they deem appropriate within agreed rules and procedures.

[Model Motion for Council Meetings](#)

Proposer: Cllr Suzie Morley
Secunder: Cllr Andrew Mellen

b **TO CONSIDER THE MOTION ON NOTICE RECEIVED FROM COUNCILLOR MORLEY**

Mid Suffolk District Council is immensely troubled by the horrific devastation in Ukraine, and the escalating humanitarian crisis facing the Country. In light of this, and as a way of expressing support for members of our communities who are from or who have ties with Ukraine,

This Council:

- a. Condemns the unprovoked Russian invasion of Ukraine and stands in solidarity with the people of Ukraine and their families and friends, including those local to Suffolk.
- b. Stands ready to provide support to those affected by this war and will open our arms to people displaced and affected.
- c. Will work with and support the efforts of our local communities to provide help and comfort to those in need.

Proposer: Cllr Suzie Morley

Seconder: Cllr Julie Flatman

c **TO CONSIDER THE MOTION ON NOTICE RECEIVED FROM COUNCILLOR STRINGER**

This Council notes our continued support for Neighbourhood Plans as the expression of communities' intentions and aspirations for development.

As a key part of the development plan, Neighbourhood Plans help to guide planning decision-making, and so this Council will actively encourage and support communities in the process of developing and bringing forward their Neighbourhood Plans without delay.

In particular, working together with Parish Councils and community groups, this Council will actively promote and encourage the process of developing a Neighbourhood Plan in each core village (as identified in the emerging Joint Local Plan) as a priority, in line with the community's aspirations.

The Council will allocate resources as appropriate to meet these objectives, including proactively contacting all core villages that have not yet started the Neighbourhood Plan process.

Proposer: Cllr Andrew Stringer

Seconder: Cllr Andrew Mellen

d **TO CONSIDER THE MOTION ON NOTICE RECEIVED FROM COUNCILLOR EBURNE**

This Council resolves to adopt the *Net Zero Carbon Toolkit* as technical guidance for developers and homeowners to help reduce the carbon footprint in new and existing buildings.

It is noted that the Toolkit was developed by Forest of Dean, West Oxfordshire and Cotswold District Councils in conjunction with the Local Government Association (LGA) and is available as an open resource for all councils in England.

The Council will promote the *Net Zero Carbon Toolkit* to applicants at all stages of the planning and building control application processes.

[Net Zero Carbon Toolkit \(fdean.gov.uk\)](https://www.fdean.gov.uk)

Proposer: Cllr Rachel Eburne
Seconder: Cllr Andrew Mellen

Date and Time of next meeting

Please note that the next meeting is scheduled for Thursday, 26 May 2022 at 5.30 pm.

Webcasting/ Live Streaming

The Webcast of the meeting will be available to view on the Councils YouTube page:
https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Committee Services on: 01473 296472 or Email: Committees@babergmidsuffolk.gov.uk

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

Domestic Arrangements:

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

Evacuating the building in an emergency: Information for Visitors:

If you hear the alarm:

1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.

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Agenda Item 3

MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **MID SUFFOLK COUNCIL** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Thursday, 24 February 2022

PRESENT:

Councillor: Paul Ekpenyong (Chairman)
Barry Humphreys MBE (Vice-Chair)

Councillors:	Oliver Amorowson	Gerard Brewster
	David Burn	Terence Carter
	James Caston	Austin Davies
	Rachel Eburne	John Field
	Julie Flatman	Jessica Fleming
	Dr Helen Geake	Kathie Guthrie
	Lavinia Hadingham	Matthew Hicks
	Sarah Mansel	John Matthissen
	Andrew Mellen	Richard Meyer
	Suzie Morley	David Muller
	Mike Norris	Penny Otton
	Timothy Passmore	Dr Daniel Pratt
	Harry Richardson	Keith Scarff
	Andrew Stringer	Rowland Warboys
	Keith Welham	John Whitehead

In attendance:

Officers: Chief Executive (AC)
Strategic Director (KN)
Assistant Director, Corporate Resources & Section 151 Officer (KS)
Assistant Director, Housing (GF)
Assistant Director, Communities (NM)
Assistant Manager - Financial Accountant (RH)
Corporate Manager – Governance and Civic Office (JR)

Apologies:

Peter Gould
Stephen Phillips

63 THE CHAIRMAN WELCOMED COUNCILLOR AUSTIN DAVIES TO THE COUNCIL CHAMBER AS THE NEWLY ELECTED WARD MEMBER FOR THURSTON.

63.1 In accordance with the delegated authority, the Monitoring Officer had granted dispensations to all Members in respect of the 2022/23 budget reports MC/21/26 and MC/21/27.

64 MC/21/24 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 27 JANUARY 2022

64.1 Councillor Geake commented that paragraph 55.8 of the minutes was incorrect and should read that Councillor Geake drew Members attention to the Risk Management section of the Officer report rather than giving her own opinion.

It was RESOLVED:-

That subject to the revisions raised by Councillor Geake being made to the Minutes, the Minutes of the meeting held on 27 January 2022 be confirmed and signed as a true record.

65 LEADER'S ANNOUNCEMENTS

65.1 The Leader of Mid Suffolk District Council made the following announcements:

65.2 As Leader of the Council, I would also like to begin by congratulating and welcoming our newly elected councillor for Thurston, Councillor Austin Davies. I had the pleasure of meeting and congratulating Austin at the count last Thursday and now formally welcome him to Mid Suffolk District Council and our Chamber.

65.3 Next, I would like to thank all of you, our staff and the wider emergency services, who rose to the challenge of the succession of storms last week. Fortunately, we were not as badly affected by those storms and related flooding as some other parts of the UK; but the impact was still felt by many of our residents. I was one of them, as were several other Councillors, having lost power for 24 hours and overnight into Saturday. Our teams helped fight the elements to ensure our residents were supported and kept safe.

65.4 This included our building services team who provided emergency cover, helping our tenants in need on Friday and over the weekend; and our public realm team, who created two rapid response teams, with officers out and about dealing with fallen trees. Thank you also to all of our officers that responded to our request to provide emergency support over the weekend. There were more volunteers than required, and your selflessness and flexibility is truly appreciated. Thank you.

65.5 This week of course we have had the Government's announcement about the lifting of remaining Covid restrictions. We already had a draft transition plan in place that is being reviewed in light of the Government's announcements. This plan means that all of our existing internal arrangements will remain in place for now but that we will be safely moving to more 'normal' working.

- 65.6 Councillors may also have seen that on Friday last week judgement was handed down in relation to Thurston Parish Council's judicial review of our planning committee's decision. Officers are currently reviewing the judgement and considering next steps; so there is nothing further I can add on this tonight but there will of course be further engagement with Planning Committee members shortly.
- 65.7 Sticking with the theme of planning, I know Councillors have been awaiting the outcome of the Planning Peer Review that took place before Christmas. The draft report from the Planning Advisory Service was unfortunately delayed due to covid related ill health. We have however now received the report which has been fact checked by officers. I am pleased that discussions of the recommendations and the development of a relevant action plan can therefore begin shortly.
- 65.8 As always Councillors will have directly received and seen the various press reports that have been published by the Council since we last met, all of which are also available on our website. I will therefore not spend time repeating them all here tonight; but as it is currently half term for our schools I did want to mention how proud I am of the activities we have on offer for our younger residents of Mid Suffolk this week, including football, swimming, crafts and outdoor cooking.
- 65.9 Similarly, I did also want to say how pleased and proud I am to see the opening of the new library in Needham Market and the nine new affordable homes in Botesdale. These nine affordable rent homes are made up of two and three-bedroom houses, a 2-bedroom bungalow and four one-bedroom flats; with air source heat pumps installed as the primary heating source in the houses and electric heating system in the apartments. We are literally building "great communities, with bright and healthy futures that everyone can be proud to call home" and I couldn't be more excited!
- 65.10 Finally, and sticking with the theme of exciting opportunities, you will all have seen that Suffolk was successfully named as one of the nine pathfinder County Deals in the Levelling Up Whitepaper. This success came following two delegations with Whitehall, led by Councillor Hicks as Leader of the County Council, and by me, as Chairman of Suffolk Public Sector Leaders. Unlike in other parts of our County we are and will continue to all work together, collectively between the district, borough and county councils to secure the best possible deal for the residents and communities of Suffolk. It is early days in these discussions with government but there is an ambitious timetable to agree deals by the end of the summer, and I will continue to keep you as engaged as I can in this process.
- 65.11 Councillor Mellen queried whether the potential award for costs relating to the judicial review of the planning committee's decision by Thurston Parish Council been included in the Council's risk register.
- 65.12 Councillor Morley confirmed that these costs were currently being considered.

66 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

66.1 None received.

67 QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

67.1 None received.

68 QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

Question 1 Councillor Mellen to Councillor Brewster, Cabinet Member for Economic Growth

When will the future use of the former Natwest Bank Building in Stowmarket be confirmed?

Response

The Council has agreed key terms with John Peel Centre for a new lease and each party's lawyers are working on final matters which are likely to be concluded within 4-6 weeks. Alongside the lease negotiations, the Council has previously agreed to fund repairs to the roof, and we have appointed a consultant to carry out a final assessment and prepare a tender specification for the work. It is likely the work will be tendered within the next 2-3 weeks and works will commence once a contractor is appointed.

Supplementary Question

Councillor Brewster was featured in the East Anglian Daily Times in March 2019 saying this vacant building at the heart of the town will enjoy a new lease of life and give local residents a new and exciting community space in the heart of town. My question is really why has it taken three years to get from that point to this point?

Response

There have been negotiations going on and the lease is the one thing that has held it up and will hold it up in the future. I think if two groups can work together things will speed along.

69 MC/21/25 OVERVIEW AND SCRUTINY COMMITTEE REPORT

69.1 Councillor Welham introduced report MC/21/25 which updated Council on the Overview and Scrutiny Committee meeting held on 13 January 2022 where the Draft General Fund 2022/23 and Four-Year Outlook, and Draft Housing Revenue Account and Four-Year Outlook were discussed along with the Call in of Cabinets decision on 6 December 2021 to approve a Hackney Carriage and Private Hire Vehicle Policy.

- 69.2 Councillor Scarff commented on recommendation 1.2 of the report and enquired when the meeting of the Constitution Working Group to review the terms of the Overview and Scrutiny Committee and the Joint Audit and Standards Committee with the Monitoring Officer would take place.
- 69.3 The Corporate Manager – Governance and Civic Office advised that this would be raised with the Monitoring Officer.
- 69.4 Councillor Eburne asked whether the Overview and Scrutiny Committee had considered a budget process which would include community consultation in setting of the budget.
- 69.5 Councillor Welham confirmed that this would be taken into consideration for future scrutiny of the budget.
- 69.6 The report was noted.

70 RECOMMENDATIONS FROM CABINET / COMMITTEES

71 MC/21/26 GENERAL FUND BUDGET 2022/23 AND FOUR-YEAR OUTLOOK

- 71.1 Councillor Whitehead introduced report MC/21/26 and provided members with an overview of the budget and the four-year outlook, including the freeze on council tax charges.
- 71.2 Councillor Whitehead moved the recommendations in the report. This was seconded by Councillor Morley.
- 71.3 Councillor Field introduced the proposed amendment from the Green and Liberal Democrat Group relating to community transport, as detailed in the tabled papers.
- 71.4 Councillor Field proposed the amendment. This was seconded by Councillor Eburne.
- 71.5 Councillor Whitehead and Councillor Morley accepted the amendment.
- 71.6 Councillor Passmore raised the issues of possible future inflationary pressures as a result of the Russian invasion of Ukraine. Councillor Whitehead provided reassurance that the budget included adequate provision.
- 71.7 In response to questions from Councillor Otton, Councillor Whitehead commented that he was confident that the budget would not need to be reconsidered following the recent events in Ukraine and explained the reasons for the increase in garden waste charges.
- 71.8 Councillor Matthissen commented on the delivery of services including planning enforcement, tree preservation orders, and the Joint Local Plan, and suggested that more resources be put into these public priorities.

- 71.9 Members debated the report on issues including: the high surplus figure and why this money had not been spent, the lack of a Council Tax break, the importance of delivering services, and staff vacancies.
- 71.10 Following a question from Councillor Richardson, the Chief Executive confirmed that the £5.1million surplus was planned to be spent by March 2023.
- 71.11 Members debated the report further on issues including: the importance of being in a strong financial position, the benefits of the freeze in council tax, and the proposed rural transport scheme.
- 71.12 Councillor Eburne commented that at the meeting of Mid Suffolk District Council held on 18 February 2021 it was agreed that the additional £4m of funding would be spent in the financial year ending 2022.
- 71.13 Members continued to debate the issues including: the delivery of services and the spending of allocated funds, and the difficulties in spending funds during the Covid-19 pandemic.
- 71.14 Following a question from Councillor Amorowson, the Chief Executive provided clarification of the mechanisms in place for ensuring that allocated funding is spent.
- 71.15 Councillor Morley spoke in support of the budget.
- 71.16 Councillor Whitehead in his summing up, paid tribute to Katherine Steel the Section 151 Officer for her work and dedication to the job and wished her a happy retirement. This was endorsed by all members of the Council.

In accordance with Council Procedure Rule 19.3, the vote was recorded as follows:

For	Against	Abstain
Oliver Amorowson		
Gerard Brewster		
David Burn		
Terence Carter		
James Caston		
Austin Davies		
Rachel Eburne		
Paul Ekpenyong		
John Field		
Julie Flatman		
Jessica Fleming		
Helen Geake		
Kathie Guthrie		
Lavinia Hadingham		
Matthew Hicks		

Barry Humphreys		
Sarah Mansel		
John Matthissen		
Andrew Mellen		
Richard Meyer		
Suzie Morley		
David Muller		
Mike Norris		
Penny Otton		
Tim Passmore		
Daniel Pratt		
Harry Richardson		
Keith Scarff		
Andrew Stringer		
Rowland Warboys		
Keith Welham		
John Whitehead		
Total 32	Total	Total

It was RESOLVED:

- 1.1 That the General Fund Budget proposals for 2022/23 and four-year outlook set out in report MC/21/26 be approved.**
- 1.2 That the General Fund Budget for 2022/23 is based on no increase to the Band D Council Tax.**
- 1.3 For scheduled rural community transport utilising zero carbon electric buses, set aside a budget of up to £560,000 capital and £130,000 revenue per year for a two-year period – equating to total £560,000 capital and £260,000 revenue from the Growth and Efficiency Fund.**

The meeting adjourned for fifteen minutes at 7.05pm

72 MC/21/27 HOUSING REVENUE ACCOUNT (HRA) 2022/23 BUDGET

- 72.1 Councillor Whitehead, the Cabinet Member for Finance, introduced the report and provided Members with details of the proposed budget including the reasons for the proposed 4.1% increase in housing rent.
- 72.2 The recommendations in the report were proposed by Councillor Whitehead and seconded by Councillor Hadingham.
- 72.3 Councillor Whitehead, and the Assistant Director for Corporate Resources, responded to a question from Councillor Matthissen, and confirmed that it would not be possible to transfer funds from the General Fund into the HRA.
- 72.4 In response to further questions from Members, the Assistant Director for Corporate Resources provided further clarification regarding the transfer of funding between the General Fund and HRA and confirmed that funding for

biodiversity improvements to HRA land could be funded from the General Fund.

- 72.5 Members debated the report on issues including: the need to improve fuel efficiency in housing, the fact that the proposed increases would disproportionately affect residents who can least afford them, the existing reduction in rent applicable to social housing residents through means testing and Right to Buy receipts and the possibility of entering into an agreement with the Secretary of State to keep all receipts.
- 72.6 Clarification was sought on how many residents would now qualify for benefits after the rent increase and what the equation was to balance this out.
- 72.7 Members also debated whether it would be possible to borrow money to invest in new energy efficient social housing.
- 72.8 Councillor Hadingham stated that the HRA fund was ringfenced, and it was necessary to increase rents to meet the Council's ambition to build new energy efficient stock and bring the existing housing stock up to EPC 'C' level and above.
- 72.9 Councillor Whitehead in his summing up said that he would not shirk away from making difficult decisions. Most councils across Suffolk had increased their rents by 4.1%. Between 45% and 60% of social housing residents received benefits. He detailed the average rents that were being paid and said that social housing was subsidised and well below market rent. The Council was planning to deliver 331 new social houses which would be of benefit to everyone.

In accordance with Council Procedure Rule 19.3, the vote was recorded as follows:

For	Against	Abstain
	Oliver Amorowson	
Gerard Brewster		
David Burn		
	Terence Carter	
James Caston		
	Austin Davies	
	Rachel Eburne	
Paul Ekpenyong		
Paul Ekpenyong – Chairs Casting Vote		
	John Field	
Julie Flatman		
Jessica Fleming		
	Helen Geake	
Kathie Guthrie		
Lavinia Hadingham		

Matthew Hicks		
Barry Humphreys		
	Sarah Mansel	
	John Matthissen	
	Andrew Mellen	
Richard Meyer		
Suzie Morley		
David Muller		
	Mike Norris	
	Penny Otton	
Tim Passmore		
	Daniel Pratt	
Harry Richardson		
	Keith Scarff	
	Andrew Stringer	
	Rowland Warboys	
	Keith Welham	
John Whitehead		
Total 17	Total 16	Total

On the Chairs casting vote,

It was RESOLVED:

- 1.1 That the HRA Budget proposals for 2022/23 set out in the report be endorsed for recommendation to Council on 21 February 2022.
- 1.2 That the CPI + 1% increase of 4.1% in Council House rents, equivalent to an average rent increase of £3.42 a week for social rents and £4.99 a week for affordable rents be implemented.
- 1.3 That garage rents are kept at the same level as 2021/22.
- 1.4 That Sheltered Housing service charges are kept at the same level as 2021/22.
- 1.5 That the Sheltered Housing utility charges increase of 50p per week for heating and 25p per week for water be implemented.
- 1.6 That the budgeted surplus of £95k be transferred to the Strategic Priorities reserve in 2022/23.
- 1.7 That in principle, Right to Buy (RTB) receipts should be retained to enable continued development and acquisition of new council dwellings.

73 MC/21/28 JOINT CAPITAL, INVESTMENT AND TREASURY MANAGEMENT STRATEGIES 2022/23

- 73.1 Councillor Muller introduced the report and informed Council that under the CIPFA Treasury Management Code of Practice and the Prudential Code both published in 2021 and DLUHC Investment Guidance published in 2018, the Council was required to determine separate Capital, Investment and Treasury Management Strategy statements and prudential indicators annually before the start of each financial year.
- 73.2 Councillor Muller reported that there have been no significant changes in format this year and it had been updated to reflect the latest capital expenditure, investment and borrowing and the latest treasury management investment and borrowing positions of the Council.
- 73.3 Councillor Muller then detailed each appendix to the report before **MOVING** the recommendations in the report which Councillor Caston **SECONDED**.
- 73.4 Councillor Matthissen asked he if could see the previous budgets in the Capital Programme in Table 1 page 103 of the report as he was trying to establish the extent to which the Capital Programme had been affected following the Covid Pandemic.
- 73.5 In response, the Section 151 Officer advised that the purpose of this report was not to give an update of the performance of the Capital Programme. The performance of the Capital Programme was reported in the quarterly monitoring reports that went to Cabinet. The next quarterly monitoring report would be tabled at Cabinet in March.
- 73.6 Councillor Eburne referred to Appendix C Paragraph 5.18 which detailed how the Council was monitoring aspects of environment, governance and social issues and asked how that sat with the Council having declared a climate emergency but the Cabinet rejecting recommendations from the Joint Audit and Standards Committee?
- 73.7 In response Councillor Whitehead informed Council that Cabinet had debated the recommendations and agreed that they would adopt a holistic monitoring approach rather than focussing on particular elements.
- 73.8 Councillor Amorowson referred to the recommendations from the Joint Audit and Standards Committee to divest from fossil fuel investments and asked why the Council was still going ahead with this?
- 73.9 In response, Councillor Whitehead referred to the Minutes from the Cabinet meeting and reiterated that the Cabinet wanted to undertake a holistic approach rather than focusing on one area.
- 73.10 Councillors then debated investment trends for fossil fuels and renewable energy and future investments.

73.11 Councillor Muller in his summing up paid tribute to the Section 151 Officer and the support she had given him in his role of Chair of the Joint Audit and Standards Committee.

In accordance with Council Procedure Rule 19.3, the vote was recorded as follows:

For	Against	Abstain
	Oliver Amorowson	
Gerard Brewster		
David Burn		
	Terence Carter	
James Caston		
	Austin Davies	
	Rachel Eburne	
Paul Ekpenyong		
	John Field	
Julie Flatman		
Jessica Fleming		
		Helen Geake
Kathie Guthrie		
Lavinia Hadingham		
Matthew Hicks		
Barry Humphreys		
	Sarah Mansel	
	John Matthissen	
	Andrew Mellen	
Richard Meyer		
Suzie Morley		
David Muller		
	Mike Norris	
	Penny Otton	
Tim Passmore		
	Daniel Pratt	
Harry Richardson		
	Keith Scarff	
	Andrew Stringer	
	Rowland Warboys	
	Keith Welham	
John Whitehead		
Total 16	Total 15	Total 1

It was RESOLVED:-

1.1 That the Joint Capital Strategy for 2022/23, including the Prudential Indicators, as set out in Appendix A of the report be approved.

- 1.2 That the Joint Investment Strategy for 2022/23, as set out in Appendix B of the report be approved.
- 1.3 That the Joint Treasury Management Strategy for 2022/23, including the Joint Annual Investment Strategy as set out in Appendix C of the report be approved.
- 1.4 That the Joint Treasury Management Indicators as set out in Appendix D of the report be approved.
- 1.5 That the Joint Treasury Management Policy Statement as set out in Appendix G of the report be approved.
- 1.6 That the Joint Minimum Revenue Provision Statement as set out in Appendix H of the report be approved.
- 1.7 That the key factors and information relating to and affecting treasury management activities set out in Appendices E, F, and I be noted.

74 IRJAC/21/18 ARRANGEMENTS FOR THE APPOINTMENT OF EXTERNAL AUDITORS

- 74.1 Councillor Muller introduced the report and detailed the options available for appointing an external auditor for the Council.

Councillor Muller **MOVED** the recommendations in the report which Councillor Caston **SECONDED**.

It was RESOLVED:-

- 1.1 That the arrangements and options for appointing an external auditor to audit the Final Accounts of the Councils from 2023/24 be noted.
- 1.2 That the Council continue to 'opt-in' to the sector led body (Public Sector Audit Appointments Ltd (PSAA)) for the independent appointment of the Councils' external auditor, beginning with responsibilities for the financial year 2023/24.

75 COUNCILLOR APPOINTMENTS

- 75.1 Councillor Matthissen sought clarification as to whether the Poverty Board would be councillor or officer led.
- 75.2 In response Councillor Richardson stated that he thought the Poverty Board would be an officer led group but would clarify this outside of the meeting.

By unanimous consensus vote

It was RESOLVED:

That Councillors Davies and Eburne replace Councillors Amorowson and Warboys on the Joint Audit and Standards Committee.

The business of the meeting was concluded at 8:25 p.m.

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Chair

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Agenda Item 4

MC/21/30

MID SUFFOLK DISTRICT COUNCIL - 21 MARCH 2022

CHAIRMAN'S ANNOUNCEMENTS

EVENT	LOCATION	DATE	CHAIRMAN	VICE CHAIR
MARCH 2022				
Official Launch of 'It's Rocket Science' Astronomy & Science Centre	It's Rocket Science, Unit 14, Hill View Business Park, Old Ipswich Rd, Claydon	11-Mar	✓	
Sudbury Mayor's Annual Civic Service	St. Gregory's Church, Sudbury	13-Mar	✓	
The Suffolk Justice Service Choral Evensong	St Edmundsbury Cathedral, Bury St Edmunds	20-Mar	✓	
3 Regiment Army Air Corps Freedom Parade to mark the 50th Anniversary of the Regiment	Athenaeum and Abbey Gardens, Bury St Edmunds	31-Mar		✓

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Agenda Item 9

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

TO: MSDC COUNCIL BDC COUNCIL	REPORT NUMBER: MC/21/31
FROM: Monitoring Officer	DATE OF MEETINGS: 21 March 2022 22 March 2022
OFFICER: Emily Yule – Assistant Director for Law and Governance and Monitoring Officer	

NEW CODE OF CONDUCT FOR COUNCILLORS

1. PURPOSE OF REPORT

- 1.1 The Localism Act 2011 places a duty on every council to promote and maintain high standards of conduct by councillors and co-opted members of the authority and, in discharging that duty, adopt a code dealing with the conduct that is expected of those members when they are acting in that capacity. A Suffolk-wide local code of conduct was adopted by the Councils in 2012.
- 1.2 In January 2019 the Committee on Standards in Public Life (CSPL) published a report following their review of local authority standards. The report directed a series of recommendations to Government and to the local government sector. A key recommendation of the CSPL was directed to the Local Government Association (LGA) - "The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government."
- 1.3 The Joint Audit and Standards Committee considered the new code of conduct at its informal meeting on 24 January 2022 and gave the steer to recommend that the model code of conduct be adopted by the Full Councils.
- 1.4 This report seeks each Council's agreement to adopt the new model code of conduct as its local code of conduct.

2. OPTIONS CONSIDERED

- 2.1 The following options have been considered:
 - 2.1.1 To retain the existing Suffolk Local Code of Conduct – this option is not recommended as the new model code provides additional clarity, guidance and more up to date provisions for Councillor conduct.
 - 2.1.2 To adopt the new LGA Model Code of Conduct for Councillors – this is the recommended option.
 - 2.1.3 To adopt an alternative form of local code of conduct – this option is not recommended as the LGA model code reflects the legislative requirements and best practice based on the recommendations of the CSPL and therefore is the most appropriate code to adopt.

3. RECOMMENDATION

- 3.1 That the Local Government Association Model Code of Conduct be adopted as the Local Code of Conduct for Councillors for Babergh District Council / Mid Suffolk District Council with effect from the Annual Council meetings in May 2022.

4. KEY INFORMATION

Background

- 4.1 The current Suffolk Local Code of Conduct has been adopted by Suffolk County Council, Babergh and Mid Suffolk District Councils, Ipswich Borough Council, East Suffolk Council, West Suffolk Council and the majority of Town and Parish Councils across Suffolk. The Suffolk Monitoring Officers group strongly recommends that there continues to be a Suffolk-wide code of conduct to enable clarity and consistency across the county and particularly across the tiers of local government where councillors represent more than one authority. The district council Monitoring Officer is responsible for investigating breaches of the code of conduct by Town and Parish Councillors across the whole district and the ability to apply a single code of conduct to all complaints is desirable. The Suffolk Association of Local Councils is also supportive of a Suffolk-wide code.
- 4.2 The CSPL review in 2019 concluded that a model code of conduct would create consistency across England and reflect the common expectations of the public regardless of geography or tier. It would also reduce the potential for confusion among dual-hatted or triple-hatted councillors.
- 4.3 CSPL also considered that matters such as gifts and hospitality, social media use, and bullying and harassment had all increased in salience, and were perhaps not regularly reflected in local authority codes of conduct and a model code of conduct would help to ensure that they do so.
- 4.4 Following extensive consultation, the LGA Executive approved a Model Councillor Code of Conduct ('Code') in December 2020. The Model Code provides a template for councils to adopt in whole and/or with local amendments. During 2021, supplementary guidance was developed by the LGA, alongside sector experts and local authority representatives, to accompany the Code.
- 4.5 The LGA have committed to undertake an annual review of the Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media, and changes in legislation.
- 4.6 The LGA will also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils will be offering advice and support to town and parish councils.

- 4.7 The Code (attached at Appendix A) contains much of the existing Suffolk Local Code of Conduct and provides welcome guidance to explain the rationale for the obligations and how councillors should follow them. The LGA have also published more extensive guidance that will assist councillors and the public in understanding the Code and what is included. This guidance is attached at Appendix B.
- 4.8 The following sections of this report highlight the key differences between the new model Code and the existing Suffolk Local Code of Conduct.

Application of the Code

- 4.9 The Code provides clarity that the requirements of the Code apply as soon as a councillor signs their declaration of acceptance of office or, in the case of a co-opted member, attends the first meeting, and continues to apply until a member ceases to be a councillor.
- 4.10 Additional clarification is also provided as to the types of interactions that amount to duties of a councillors' elected office and that would so be captured under the Code's remit and application – these are when a councillor is:
- Acting in their capacity as a councillor and/or a representative of the council;
 - Claiming to act as a councillor and/or as a representative of the council;
 - Giving the impression of acting as a councillor or a representative of the council;
 - Referring publicly to their role as a councillor and using knowledge that could only be obtained in that role.
- 4.11 The Code also provides clear guidance as to the forms and type of communication that are within scope:
- at face-to-face meetings;
 - online or telephone meetings;
 - in written communication;
 - in verbal and non-verbal communication;
 - in electronic and social media communication, posts, statements, and comments.
- 4.12 There are new commitments to co-operate with any investigation, should a complaint be received, and to comply with any sanctions that may be imposed if a breach is proven. These are important to protect the integrity of the process.

Bullying, harassment and discrimination

- 4.13 The new Code includes enhanced provisions relating to bullying, harassment, and discrimination. The Code now includes a definition of bullying and harassment and makes it clear that online activity, for example posting on social media, is captured by the Code. The guidance notes which accompany the Code set out the types of behaviour which would constitute bullying or harassment.
- 4.14 The new Code now includes a requirement for Councillors to promote equalities, in accordance with the statutory duties imposed by the Equalities Act 2010, as well as avoiding any behaviour which would unlawfully discriminate against any person.

Confidentiality and Access to Information

- 4.15 Specific requirements in relation to confidentiality and access to information have been incorporated. This clause sets out standards of conduct relating to the proper use of information by councillors.

Gifts and Hospitality

- 4.16 The provisions extend those set out in the Suffolk Code in two ways:
- by specifically referencing a requirement to not accept gifts or hospitality that could give rise to real or substantive personal gain or a suspicion of influence; and
 - by placing a responsibility on councillors to register any significant gift or hospitality that has been offered but refused.
- 4.17 The new Code also increases the value of declarable gifts and hospitality from £25 to £50.

Protecting the reputation of members and the local authority

- 4.18 This section primarily relates to the registration and declaration of interests. Importantly the section references a separate Appendix 2 that, if adopted, would place additional requirements on councillors in certain circumstances.
- 4.19 An example being where a matter arises (which is not a pecuniary interest) at a meeting and that matter directly relates to a financial interest or wellbeing of a relative or close friend of a councillor – extract below.

8. Where a matter arises at a meeting which affects –

- a. your own financial interest or well-being;*
- b. a financial interest or well-being of a friend, relative, close associate; or*
- c. a body included in those you need to declare under Disclosable Pecuniary Interests*

you must disclose the interest.

Training

- 4.20 A programme of training, based on LGA learning and guidance modules, will be coordinated by the Monitoring Officers within each council. Any opportunities for joint training will be taken, but it is recognised that authorities will be at different stages of their electoral cycles.

Procedure for Considering Complaints Alleging a Failure to Comply with the Code of Conduct

- 4.21 It will continue to be for each local authority to follow its agreed procedures for managing complaints and deciding upon any action should it be concluded that there has been a breach of the Code. The Councils adopted a revised code of conduct complaints procedure in 2020, effective January 2021.

Recommendations of the Joint Audit and Standards Committee

- 4.22 The Joint Audit and Standards Committee considered the proposed revised code of conduct at its informal meeting on 24 January 2022 and unanimously agreed that the Councils should formally adopt the revised code. The Monitoring Officer responded to the Committee's questions around the arrangements for declaring gifts and hospitality, on training and support for town and parish councils and on how the code might apply in respect of a councillor's professional or personal capacity.
- 4.23 The Committee commented on the need to ensure that there was early communication with Town and Parish Councils about the new code and the Monitoring Officer agreed that this would be discussed with the Suffolk Monitoring Officer group.

5. LINKS TO CORPORATE PLAN

- 5.1 Ethical conduct and good governance provide a framework which supports the delivery of all the Councils' key strategic outcomes.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no direct financial implications of adopting the new model code of conduct. Officer time will be required to provide training to Councillors on the new code of conduct, if adopted, however this will be accommodated within existing resources.

7. LEGAL IMPLICATIONS

- 7.1 All local authorities are required to adopt a local code of conduct for councillors under s.27(2) of the Localism Act 2011. The Councils' current local code of conduct complies with this statutory requirement, however adopting the revised model code of conduct will bring the councils' local arrangements in line with the most up to date government guidance.

8. RISK MANAGEMENT

8.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
If the Councils fail to adopt a local code of conduct they will be unable to fulfil their statutory duty under s.27 of the Localism Act.	1 (Highly unlikely)	3 (Bad)	The Councils already have an existing code of conduct which would continue to be in effect even if the new model code was not adopted.
If the code of conduct adopted by the Councils does not promote high standards of ethical conduct the Councils could fail in their statutory duty.	1 (Highly unlikely)	2 (Noticeable)	Adopting the new model code will ensure that the Councils' code fulfils the statutory duties placed on the Councils to promote ethical conduct.
If Councillors are not aware of the new provisions they could inadvertently breach the code of conduct.	2 (Unlikely)	3 (Bad)	A programme of training will be put in place for councillors if the new local code is adopted.
If Councillors breach the code of conduct or if the code of conduct is not robust enough the reputation of the Councils could be damaged.	2 (Unlikely)	3 (Bad)	Adopting the model code of conduct will ensure that the Councils are adopting the 'national standard'. Training will be provided to Councillors to help them comply with the Code of Conduct.
If the Councils do not carry out periodic reviews of the Councils' ethical governance arrangements, including the Member Code of Conduct, there is a risk that standards will be lowered, bad conduct will not be dealt with effectively and public confidence in local democracy will be eroded.	2 (Unlikely)	3 (Bad)	By adopting the model code of conduct the Councils will be following current best practice and complying with the recommendations of the CSPL. The Monitoring Officer makes a quarterly report to the Joint Audit and Standards Committee on the complaints received which identifies any trends in the types of complaints.

9. CONSULTATIONS

9.1 The LGA undertook a range of consultation activities with various stakeholder groups during 2020 when preparing the new model code of conduct. Further information about the consultation process can be found at: <https://www.local.gov.uk/publications/lga-model-member-code-conduct-consultation-response-analysis-november-2020>

9.2 The Council is not required to undertake formal public consultation before adopting its own code of conduct.

10. EQUALITY ANALYSIS

10.1 An Equality Impact Assessment initial screening has been undertaken (Appendix C) and no impacts on the protected characteristics have been identified. Therefore, a full Equality Impact Assessment (EIA) is not required.

11. ENVIRONMENTAL IMPLICATIONS

11.1 There are no environmental implications of adopting the new model code of conduct.

12. APPENDICES

Title	Location
(a) New Model Code of Conduct	Attached
(b) Guidance on the LGA Model Code of Conduct	Attached
(c) EQIA Initial Screening	Attached

13. BACKGROUND DOCUMENTS

13.1 None

14. REPORT AUTHORS

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Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

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

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

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

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

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

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

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

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

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

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

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

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

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

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

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

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

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

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

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

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

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

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

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

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

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

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

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

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

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.



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Guidance on Local Government Association Model Councillor Code of Conduct



We are pleased to publish this supporting guidance which is aimed to help understanding and consistency of approach towards the code. The code, together with the guidance, has been designed to protect our democratic role, encourage good conduct, and safeguard the public's trust and confidence in the role of councillor in local government.

08 Jul 2021

Part 1 - Introduction

In December 2020, the Local Government Association (LGA) developed and published a **Model Councillor Code of Conduct** [<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>] in association with key partners and following extensive consultation with the sector. This was in response to the recommendation of the Committee of Standards in Public life Local Government Ethical Standards 2019. The code was part of our work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance, and our civility in public life programme.

The code is a template for Local Authorities to adopt in whole and or with amendments to take into account local circumstances.

Our aim was to make the code relatively short and easy to read rather than an overly-complex legal document as it needed to be accessible to councillors, officers, and the public alike. The consultation response also asked for supporting guidance to help understand some of the key provisions in greater depth with examples and case illustrations.

We are therefore pleased to publish this supporting guidance which is aimed to help understanding and consistency of approach towards the code.

The code together with the guidance have been designed to protect our democratic role, encourage good conduct, and safeguard the public's trust and confidence in the role of councillor in local government. While it sets out the minimum standards of behaviour expected, together with the guidance, it is designed to encourage councillors to model the high standards expected of councillors, to be mutually respectful even if they have personal or political differences, to provide a personal check and balance, and to set out the type of conduct that could lead to complaints being made of behaviour falling below the standards expected of councillors and in breach of the code. It is also to protect councillors, the public, local authority officers and the reputation of local government.

This guidance embeds the provisions of the code and is structured to enable each chapter to be directly accessed. We have also produced a standalone document without the embedded code intended to provide easy access to the guidance.

The LGA will undertake an annual review of this guidance and the code to ensure it continues to be fit for purpose, incorporating advances in technology, social media, case law and changes in legislation.

For the purposes of this guidance, we have adopted the definitions used in the Code of Conduct, for "councillor" and "local authority".

Any comments on the use of the guidance or suggestions for improvement would be welcomed and should be sent to ModelCode@local.gov.uk [<mailto:ModelCode@local.gov.uk>]

General principles of Councillor conduct

The Seven Principles of Public Life (also known as the Nolan Principles) outline the ethical standards those working in the public sector are expected to adhere to. The principles apply to all public office holders at all levels including ministers, civil servants, councillors, and local authority officers, as well as private and voluntary organisations delivering services paid for by public funds.

The principles are set out in **Appendix 2** [<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#appendix-2-general-principles->] below.

These principles underpin the standards that councillors should uphold and form the basis for the Code of Conduct, where the principles have been translated into a series of clear rules. While fundamental to the Code of Conduct, the principles are not part of the rules of the code and should be used for guidance and interpretation only.

Application of the Model Councillors' Code of Conduct

When does the Code apply?

S27(2) of the Localism Act 2011 says that a local authority must adopt 'a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.'

The term 'capacity' is not further defined in the Act. However, the Model Code states that:

The Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

This means it applies when you are carrying out your official duties, for example when you are considering or discussing local authority business, either as a councillor or representing the local authority on an outside body.

There is no formal description of what the role of a councillor is, but aside from formal local authority business it would include promoting and representing the local authority in the local community and acting as a bridge between the community and the local authority. The LGA's **Guidance** [https://www.local.gov.uk/sites/default/files/documents/11.166%20Councillors%20Guide%202019_08_0.pdf] for new councillors is a helpful reference point.

The code does not, therefore, apply solely when you are in local authority meetings or on local authority premises.

The code applies to all forms of communication and interaction, including:

at face-to-face meetings

at online or telephone meetings

in written communication

in verbal communication

in non-verbal communications

in electronic and social media communication, posts, statements, and comments.

This includes interactions with the public as well as with fellow councillors and local authority officers.

Acting as a private individual

For something to fall within the code there must be a clear link to a local authority function or your role as a councillor. For example, an argument with a neighbour which does not relate to local authority business would not engage the code, even if your neighbour happens to know you are a councillor and therefore complains to the local authority about being treated disrespectfully.

Example

A councillor and an officer had a personal relationship. The councillor sent and encouraged the officer to send inappropriate social media messages, including messages of a sexual nature, during office hours. The panel rejected arguments that the councillor had been acting in an entirely personal capacity. It found that the councillor could not divorce himself from his role as the officer's quasi-employer and that, when sending or encouraging the officer to send the messages during working hours, he was acting in his official capacity.

It is not always immediately apparent in which capacity you are acting, therefore in situations where there may be ambiguity it may be helpful if you can make clear to people in which capacity you are engaging with them.

While the Code does not apply to your non-councillor roles, what you do as a councillor could impact on your position in those other roles.

Political party or group rules may also require you as a councillor to demonstrate certain behaviours as a private individual and failure to do so can result in sanctions from political groups.

Under the Local Government Act 1972 councillors can be disqualified from being a councillor due to matters in their private life, such as being subject to a bankruptcy order or receiving a custodial sentence of three months or longer (whether or not suspended).

In what circumstances might I give the impression to a reasonable member of the public that I was engaged on local authority business?

When you use or attempt to use your position as a councillor to seek to gain an advantage for yourself or someone close to you or to disadvantage someone this is an attempt to misuse your position and therefore falls within the scope of the Code of Conduct.

A number of factors will need to be taken into account to determine whether or not you had used or attempted to use your position as a councillor.

For example:

writing to someone on local authority headed paper or using a local authority email address may lead someone to assume you were writing in your capacity as a councillor

handing out a business card where you describe yourself as a councillor may also lead to that assumption

wearing official local authority regalia.

Examples

Attempting to misuse your position as a councillor would include if you threaten to use your position improperly to block someone's planning, licence or grant application. In effect you would be doing something that only a councillor could do even if as a matter of fact, you did not have the power to do so. That may include an assumption, for example, that you would put inappropriate pressure on officers or fellow councillors or lobby behind the scenes for a particular outcome. It should not be up to a member of the public to have to work out whether you are in fact on a planning committee.

Another example would be disclosing confidential information improperly you had received because of your role as a councillor.

A councillor returning from a party got into an argument with a taxi driver. When he arrived home, he refused to pay the fare and when he spoke to the manager of the taxi company, he said that he was a councillor and would make sure that the taxi driver's licence was withdrawn by the council. While he was entitled to dispute the payment if he was dissatisfied with the service he had received he was found to have breached the code by invoking his office and seeking to misuse his position to intimidate the manager and driver and to seek to gain an advantage for himself, notwithstanding the fact that he did not in reality have the ability to carry out his threat.

Social media postings

Simply describing yourself as a councillor in a social media posting or at the top of your page or in your username or profile, for example, does not of itself mean that every posting you make is covered by the Code. There must be a link within the individual posting or thread to your role as a councillor or to local authority business. However, even if you do not describe yourself as a councillor you may fall within the scope of the code if you are discussing local authority business.

For example, a posting which is simply discussing a recent football match is not covered by the code even if you have described yourself as a councillor. However, if you make a posting threatening a fellow councillor or officer that would fall within the code even if you have not described yourself as a councillor as it relates to local authority business or your role as a councillor.

Each matter would need to be looked at on a case-by-case basis ([see guidance on 'disrespect, bullying and harassment in Part 2 for further information \[https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#part-2-general-obligations-under-the-code-of-conduct\]](https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#part-2-general-obligations-under-the-code-of-conduct)).

You should be very careful when describing yourself as a councillor as seeing the word "councillor" may lead to assumptions amongst the community that you are acting as a councillor.

To help avoid some of these issues, some councillors have found it helpful to have separate social media profiles for personal and local authority use, though even the strictest privacy settings are no guarantee that posts or actions will remain private. As a rule of thumb, never post anything online you would not be comfortable saying or sharing in a public meeting. If your local authority has guidance on the effective use of social media this can help.

The LGA has published [guidance on councillors \[https://local.gov.uk/councillors-and-social-media\]](https://local.gov.uk/councillors-and-social-media) and social media.

Examples

Following a heavy snowstorm which meant a local street market could not go ahead a councillor posted on the local community Facebook page that a certain local authority officer should be sacked for failing to put adequate arrangements in place to clear the snow. Even though it was not posted on a local authority page and he did not explicitly describe himself as a councillor in the post he was found to have breached the code by treating an officer with disrespect and seeking to put undue pressure on officers.

A councillor who described himself as such in his Twitter profile made insulting and offensive comments about the Prime Minister which led to complaints being made to his local authority. He was found not to have breached the code as the comments did not directly relate to his role as a councillor or local authority business but were seen as wider political comments.

What does acting as a representative of my local authority mean?

You are acting as a representative of the local authority when you are sitting on an outside body to which you have been appointed by the local authority, for example.

You would also be considered a representative of the local authority where you were attending an external function or conference on behalf of the local authority or as the local authority's nominated delegate.

You would not be considered as a representative of the local authority where you were attending an event in a party-political role, for example at a political party's annual conference. In that situation you would be subject to any relevant party rules.

Matters in party group meetings would also normally not be covered by the code as they are more matters for a party to regulate. However, if you are clearly trying to improperly influence fellow councillors or put undue pressure on them in relation to local authority business for example then relevant provisions of the code would apply. The same would apply to social media groups you may be a member of, such as a WhatsApp group set up for your local authority group.

What if I sit on more than one local authority?

If you sit on more than one local authority, you are subject to the code and associated procedures of the local authority you are representing at any one time. As such, if you are on a district council and a parish council, you would be bound by the district code when attending district council meetings or speaking to district council officers; and bound by the parish council code when attending parish council meetings or speaking to parish council officers.

Where your local authorities have the same code, the same rules would apply and, for example, your completed register of interests should be the same on both tiers.

What is a co-opted member?

The code also applies to co-opted members under the Localism Act. A co-opted member under the Act is someone who is entitled to vote on any matter to be decided at a local authority committee or sub-committee.

A parish councillor who has been co-opted to fill a casual vacancy where an election has not been held is also covered by the Code of Conduct in the same way as if they had been elected.

It does not, therefore include co-opted members who do not have voting rights, nor does it cover, for example, an Independent Person appointed under s28 of the Localism Act to support the local authority on standards matters.

However, it would be good practice to ask such councillors to agree to abide by the code of conduct and to inform the monitoring officer of any interests they might have. While they would not formally fall within the statutory framework for complaint handling, they can be removed from their role by the local authority should they be found to have committed a serious breach of the code so it is important that they are also aware of the expected standards of behaviour.

Part 2 – General obligations under the Code of Conduct

Respect

As a councillor:

1. **I treat other councillors and members of the public with respect.**
2. **I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Showing respect to others is fundamental to a civil society. As an elected or appointed representative of the public it is important to treat others with respect and to act in a respectful way. Respect means politeness, courtesy and civility in behaviour, speech, and in the written word. It also relates to all forms of communications councillors undertake, not just in meetings. Rude, offensive, and disrespectful behaviour lowers the public's expectations and confidence in its elected representatives.

Respect

The key roles and responsibilities of councillors; representing and serving your communities and taking decisions on their behalf, require councillors to interact and communicate effectively with others. Examples of councillor interaction and communication include talking to constituents, attending local authority meetings, representing the local authority on outside bodies, and participating in community meetings and events. In turn this means that as a councillor you are required to interact with many different people, often from diverse backgrounds and with different or conflicting needs and points of view.

You will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.

Examples of ways in which you can show respect are by being polite and courteous, listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks and being kind. In a local government context this can mean using appropriate language in meetings and written communications, allowing others time to speak without interruption during debates, focusing any criticism or challenge on ideas and policies rather than personalities or personal attributes and recognising the contribution of others to projects.

Disrespectful behaviour

Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.

Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour.

Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours.

Disrespectful behaviour can be harmful to both you and to others. It can lower the public's expectations and confidence in you and your local authority and councillors and politicians more generally. It influences the willingness of fellow councillors, officers, and the public to speak up or interact with you because they expect the encounter will be unpleasant or uncomfortable. Ongoing disrespectful behaviour can undermine willingness of officers to give frank advice, damage morale at a local authority, and ultimately create a toxic culture and has been associated with instances of governance failure.

Freedom of expression

The requirement to treat others with respect must be balanced with the right to Freedom of expression. Article 10 of the European Convention on Human Rights protects your right to hold your own opinions and to express them freely without government interference. This includes the right to express your views aloud or in writing, such as in published articles or leaflets or on the internet and social media. Protection under Article 10 extends to the expression of views that may shock, disturb, or offend the deeply-held beliefs of others.

However, Article 10 is not an absolute but a qualified right which means that the rights of the individual must be balanced against the interests of society. Whether a restriction on freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech and its purpose, as well as the actual words spoken or written. Democracy depends on people being free to express, debate and criticise opposing viewpoints. The courts have generally held that the right to free expression should not be curtailed simply because other people may find it offensive or insulting. A balance must still be struck between the right of individuals to express points of view which others may find offensive or insulting, and the rights of others to be protected from hatred and discrimination.

Freedom of expression is protected more strongly in some contexts than others. In particular, a wide degree of tolerance is accorded to political speech, and this enhanced protection applies to all levels of politics, including local government. Article 10 protects the right to make incorrect but honestly made statements in a political context but it does not protect statements which the publisher knows to be false. Political expression is a broad concept and is not limited to expressions of or criticism of political views but extends to all matters of public administration including comments about the performance of public duties by others. However, gratuitous personal comments do not fall within the definition of political expression.

Public servants such as local government officers are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits are not as wide as they are for elected politicians such as councillors. Officers do not necessarily have the same right of reply to such comments as councillors do and councillors should take care not to abuse or exploit this imbalance.

Recent case law has confirmed that local authority officers should be protected from unwarranted comments that may have an adverse effect on good administration and states that it is in the public interest that officers are not subject to offensive, abusive attacks and unwarranted comments that prevents them from carrying out their duties or undermine public confidence in the administration. That said, officers who are in more senior positions, for example chief executives or heads of services, will also be expected to have a greater degree of robustness.

Is the Respect provision of the code a gag on councillors?

This provision of the Code (Paragraph 1) is not intended to stand in the way of lively debate in local authorities. Such discussion is a crucial part of the democratic process. Differences of opinion and the defence of those opinions through councillors' arguments and public debate are an essential part of the cut and thrust of political life. Councillors should be able to express their opinions and concerns in forceful terms. Direct language can sometimes be appropriate to ensure that matters are dealt with properly. The code is not intended to stifle the expressions of passion and frustration that often accompany discussions about local authority business.

Can councillors criticise officers?

Yes. In some cases, officers have been known to reject reasonable criticism appropriately made and describe it as disrespectful or bullying. The Code of Conduct is not intended to constrain councillors' involvement in local governance, including the role of councillors to challenge performance. Councillors can question and probe poor officer performance provided it is done in an appropriate way. In the everyday running of a local authority, it is inevitable that councillors may have disagreements with officers from time to time.

This paragraph of the code does not mean that councillors cannot express disagreement with officers. This disagreement might, in the appropriate context, manifest itself in criticism of the way in which an officer or officers handled particular matters.

It is important that councillors raise issues about poor performance in the correct way and at the appropriate forum in accordance with your local authority's processes and procedures, and not in a public meeting or through a published attack in the media.

All local authorities should have clearly defined policies, procedures, and occasions where such issues can be properly raised. It is only where councillors' conduct is unfair, unreasonable, or demeaning that the code will be relevant. If a councillor's criticism is abusive or offensive it is likely to breach the code.

What kinds of conduct are not covered?

A very clear line must be drawn between the Code of Conduct's requirement of respect for others, including councillors with opposing views, and the freedom to disagree with the views and opinions of others. In a democracy, members of public bodies should be able to express disagreement publicly with each other.

What if a member of the public is being unnecessarily disrespectful to me?

Councillors are allowed to respond to criticism, and where that criticism is robust, then they can be robust in response. However, councillors should always seek to try to be civil and demonstrate leadership in their communication. Even where councillors have been wrongly accused, responding in an angry, defensive way can often escalate the situation.

There has been a growing tendency for members of the public to use social media channels to unfairly criticise local councillors. For this reason, many local authorities now offer social media guidance to councillors in addition to the civility in public life resources available on the [LGA's website \[https://www.local.gov.uk/our-support/guidance-and-resources/civility-public-life\]](https://www.local.gov.uk/our-support/guidance-and-resources/civility-public-life)

Examples

The complaint alleged that the councillor posted on their blog a highly critical comment and an offensive caption about a former councillor, who had passed away and whose funeral had taken place the previous day. The councillor was found to have breached the provisions of his local authority's Code of Conduct relating to councillors treating others with respect; as well as conducting themselves in a manner which could reasonably be regarded as bringing their role or their authority into disrepute.

The complaint alleged that a councillor commented under a pseudonym on a local authority blog referring to possible nepotism in the awarding of a contract to a local firm by the local authority. The standards committee found that the councillor had breached the Code of Conduct in making the posts because he had failed to treat others with respect and, in doing so, he had conducted himself in a manner which brought his role and his local authority into disrepute.

The complaint alleged that a councillor had made remarks of an abusive, insulting and personal nature to the complainant, a police officer, and also made a number of unfounded allegations about him during two telephone calls to a police station made in his capacity as a ward councillor. It was found that the comments amounted to an unacceptable personal attack on the complainant and that the councillor had breached the respect provisions in his local authority's Code of Conduct.

Bullying

As a councillor:

1.
 - 1.1. **I do not bully any person.**

Bullying, harassment, discrimination, and victimisation (either directly or indirectly) are unacceptable and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

Bullying may be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour, an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation. Bullying may be obvious or be hidden or insidious. Such conduct is usually part of a pattern of behaviour which attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

Bullying can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Bullying behaviour may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.

Bullying can affect anyone, in any career, at any time, at any level and within any workplace. Such behaviour can take the form of easily noticed, physically threatening or intimidatory conduct with immediate impact, or it can take place behind closed doors, or be much more subtle or camouflaged and difficult to identify, at least at first. It can start, for example, with what appear to be minor instances, such as routine 'nit-picking' or fault-finding, but which become cumulative or develop into more serious behaviour over time, enabling the perpetrator to isolate and control the person.

Some bullies lack insight into their behaviour and are unaware of how others perceive it. Others know exactly what they are doing and will continue to bully if they feel they are unlikely to be challenged. Bullying can sometimes be overlooked, as a result of common euphemisms being used by way of explanation or justification, referring to someone as having a "poor leadership style" or a "bad attitude," for example, or to the problem being due to a "personality clash".

You should always be mindful of the overall potential impact of the behaviour on others. First and foremost, bullying can have a significant impact on the recipient's well-being and health. Bullying can have an impact on a local authority's effective use of resources and provision of services. Officers who are subject to bullying are frequently away from their posts, sometimes for extended periods, on sickness or stress-related leave. Bullying can impact on a councillor's ability to represent their residents effectively. It can also discourage candidates from standing in local elections, making local authorities less representative of their communities, and impacting local democracy.

Like disrespectful behaviour, bullying can be difficult to define. When allegations of bullying are considered it's likely that the person handling the complaint will consider both the perspective of the alleged victim, and whether the councillor intended their actions to be bullying. They will also consider whether the individual was reasonably entitled to believe they were being bullied.

Conduct is unlikely to be considered as bullying when it is an isolated incident of a minor nature, where it is targeted at issues, rather than at an individual's conduct or behaviour, or when the behaviour by both the complainant and councillor contributed equally to the breakdown in relations. However, the cumulative impact of repeated 'minor' incidents should not be underestimated.

Examples of bullying include but are not limited to:

- verbal abuse, such as shouting, swearing, threats, insults, sarcasm, ridiculing or demeaning others, inappropriate nicknames, or humiliating language
- physical or psychological threats or actions towards an individual or their personal property
- practical jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance
- abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- ostracising or excluding someone from meetings, communications, work events or socials
- sending, distributing, or posting detrimental material about other people, including images, in any medium
- smear campaigns.

[Freedom of expression 'Respect' guidance Part 2 \[https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#respectful-behaviour-\]](https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#respectful-behaviour-)

Does this mean that councillors cannot raise concerns about officers or fellow councillors?

Bullying behaviour should be contrasted with the legitimate challenges which a councillor can make in challenging policy or scrutinising performance. An example of this would be debates in the chamber about policy or asking officers to explain the rationale for the professional opinions they have put forward. You are entitled to challenge fellow councillors and officers as to why they hold their views. However, if your criticism is a personal threat or abusive or offensive in nature, you are likely to cross the line of what is acceptable behaviour.

Preventing bullying conduct from developing

Ideally, a culture of honest and clear communication should be sought, with respect for the individual and for the confidentiality required when managing individual performance-related issues. The bullying of officers might be reduced by establishing a specific protocol, which addresses issues such as councillor-officer work relations and appropriate behaviour.

The protocol for parish and town councils can include such simple but important matters as acceptable times to contact the clerk by telephone at home or call at the clerk's home on council business.

Local authority officers and parish clerks also need to be mindful that councillors can come from a wide range of backgrounds and may have been part of workplaces where the culture and expected standards are very different from what the clerk or officers expect; as a result, the councillor simply may not be aware of the impact that their communications have had on the clerk or officer. Early discussion about emerging issues is important to help avoid matters escalating and help establish more effective working arrangements for the future.

Bullying and harassment and the law

In some cases, acts of bullying or harassment can be civil offences, which can be brought to an employment tribunal or a county court.

In some cases, conduct that amounts to bullying and harassment may also amount to criminal offences, which can be tried in the criminal courts. There is not an exhaustive list of acts of bullying or harassment that may constitute a criminal offence. Examples may include, but are not limited to:

- physical assault
- making threats of violence or death threats

- stalking
- hate crimes
- sexual harassment

Intimidation of councillors

Councillors can face behaviours which could amount to bullying and intimidation when carrying out their role.

The LGA and the Welsh Local Government Association recognise the growing need among councillors for support related to intimidation and have jointly developed a “**Councillors' guide to handling intimidation. Practical steps that you and your local authority can undertake to protect yourself as a person in a public position**”

[\[https://www.local.gov.uk/sites/default/files/documents/Full%20word%20english%20version%20guide%20for%20councillors'](https://www.local.gov.uk/sites/default/files/documents/Full%20word%20english%20version%20guide%20for%20councillors)

. The guide covers topics such as how to handle abuse, both face-to-face, letters or online, guidance on personal safety, lone working and online abuse and the legal and practical remedies, including the nature of the criminal offences involved. It will be continuously updated with the latest advice and information available.

Harassment

As a councillor:

1.
 - 1.1. I do not harass any person.

The Protection from Harassment Act 1997 states that harassment includes behaviour which alarms a person or causes a person distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person. Harassment of any kind whether direct or indirect is in no-one's interest and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

Like bullying, harassment can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Harassment may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. It may manifest obviously or be hidden or insidious.

The factors likely to be considered when assessing allegations of harassment are whether the councillor knows or ought to know that their actions constitute harassment, whether a reasonable person would consider the actions to be harassment and the impact of the behaviour/conduct on victim.

Examples of harassment include but are not limited to:

- sending unwelcome emails
- unnecessarily repetitive, intrusive questioning
- unwelcome physical contact such as touching or invading 'personal space'
- haranguing
- intimidation
- inappropriate remarks or questioning such as comments about someone's appearance, lewd comments, and offensive jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance
- placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- sexual harassment

What does the law say about harassment?

[\[https://www.local.gov.uk/sites/default/files/documents/Full%20word%20english%20version%20guide%20for%20councillors'](https://www.local.gov.uk/sites/default/files/documents/Full%20word%20english%20version%20guide%20for%20councillors)

In some cases, acts of harassment can be civil offences, which can be brought to an employment tribunal or county court.

In some cases, conduct that amounts to harassment may also amount to criminal offences, which can be tried in the criminal courts. There is not an exhaustive list of acts of harassment that may constitute a criminal offence. Examples may include, but are not limited to physical assault:

- making violent or death threats
- stalking
- hate crimes
- sexual harassment

Example

The complaint alleged that a councillor had behaved in a disrespectful and harassing manner towards two fellow female councillors and officers. It was established that the councillor had made unwarranted and inappropriate physical contact with the councillors and officers at an official event and had also made remarks towards the officers which were patronising and demeaning. The councillor was found to be in breach of the Code of Conduct.

Discrimination

As a councillor:

2.3 I promote equalities and do not discriminate unlawfully against any person.

Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

The Equality Act 2010 imposes positive duties on local authorities to promote equality and to eliminate unlawful discrimination and harassment. Under the Act your authority may be liable for any discriminatory acts which you commit. This will apply when you do something in your official capacity in a discriminatory manner. You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your authority's fulfilment of its positive duties under the Act. Such conduct may cause your authority to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code of Conduct. If you are unsure about the particular nature of the duties of your authority you should seek advice from the monitoring officer or parish clerk.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex and sexual orientation

There are four main forms of discrimination:

Direct discrimination: treating people differently because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

Indirect discrimination: treatment which does not appear to differentiate between people because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation but which disproportionately disadvantages them.

Harassment: engaging in unwanted conduct on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.

Victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

Examples of discriminatory behaviour include but are not limited to:

- exclusion or victimisation based on the Protected Characteristics
- treating someone less favourably or limiting their opportunities based on any of the Protected Characteristics
- comments, slurs, jokes, statements, questions, or gestures that are derogatory or offensive to an individual's or group's characteristics
- promoting negative stereotypes relating to individual's or group's characteristics
- racial or ethnic slurs, insults, or jokes
- intolerance toward religious customs

- mimicking, mocking, or belittling a person's disability
- homophobic, biphobic or transphobic comments or slurs
- discriminating against pregnant people or mothers
- declaring ('outing') someone's religion or sexuality or threatening to do so against their will
- deliberate, unwarranted application of an authority's practice, policy or rule in a way that may constitute indirect discrimination
- instructing, causing, inducing, or knowingly helping someone to commit an act of unlawful discrimination under the Equality Act 2010.

A councillor's personality and life experiences will naturally incline them to think and act in certain ways. They may form views about others based on those experiences, such as having an affinity with someone because they have a similar approach to life or thinking less of someone because they are from a different generation. This is known as "unconscious bias" and it can lead people to make decisions based on biases or false assumptions. Councillors need to be alert to the potential of unconscious bias and ensure they make decisions based on evidence, and not on assumptions they have made based on biases.

Questions

How can councillors cause their authority to be in breach of the Equality Act?

The Code of Conduct is not intended to stifle democratic debate. Councillors should always remember that Article 10 of the European Convention on Human Rights gives a high level of protection to comments that are genuinely made during political debate, even if most people would find them offensive.

Some councillors have particular roles which may give a higher risk for the potential for discrimination; for example, if you are on an appointment panel for a position in the local authority, or you are able to award local grants in your ward and will need to decide which organisations to support.

Merely arguing, or even voting, against a proposal which is aimed at complying with a positive anti-discriminatory duty would not be enough by itself to risk breaking this part of the code. Simply having a party-political or personal position on an issue is unlikely to amount to a breach of this provision because it does not, of itself, involve the local authority doing anything.

Under the Equality Act 2010, an authority is made liable for any discriminatory acts which a councillor commits. This will apply where they say or do something in their official capacity in a discriminatory manner.

Examples

The complaint alleged that a councillor 'liked' several racially discriminatory comments on social media and one comment advocating violence against Travellers. The panel found that 'Liking' of the offensive comments did amount to a failure to treat those who were the subject of such comments with respect and a failure to promote equalities in breach of the Code of Conduct.

A councillor was a member of the local authority's recruitment panel to appoint a new chief executive. Five applicants were shortlisted. After one candidate had finished his presentation and left the room the councillor said, "good candidate, shame he's black". The panel found that the Code of Conduct had been breached.

Impartiality of officers

As a councillor:

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

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Both councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority.

At the heart of this relationship, is the importance of mutual respect. Councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

Councillors provide a democratic mandate to the local authority and are responsible to the electorate whom they represent. They set their local authority's policy framework, ensure that services and policies are delivered and scrutinise local authority services.

Councillors of the executive, chairs and vice chairs of committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such councillors must still respect the impartiality of officers and must not ask them to undertake work of a party-political nature or compromise their position with other councillors or other officers.

Officers provide the professional advice and managerial expertise and information needed for decision making by councillors and to deliver the policy framework agreed by councillors. They are responsible for implementing decisions of councillors and the day-to-day administration of the local authority.

The roles are very different but need to work in a complementary way.

It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the code requires councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a councillor's democratic mandate as the people accountable to the public for the work of the local authority. It is also important for a local authority to have a councillor-officer protocol which sets out how this relationship works and what both councillors and officers can expect in terms of mutual respect and good working relationships.

Officers may sometimes give you advice that you do not want to hear or does not suit your political views. They must be allowed to do this without fear of recriminations to allow for good decision-making looking at all relevant options.

That means in your dealing with officers you must not seek to influence them improperly or put undue pressure on them. For example, you should not get officers to help you prepare party political material, or to help you with matters relating to your private business. You should not provide or offer any incentive or reward in return for acting in a particular way or reaching a particular decision.

Other than political assistants, officers are required to remain politically neutral and not demonstrate their support for specific parties or candidates.

The fundamentally held principle is that "the local government system of the UK has long resided on a bond of trust between elected members and a permanent corps of local government officer... that relationship of trust stems from the right of council members to expect that they are being assisted in their functions by officers who are politically neutral and whose loyalty is to the council as a whole^{[1].[#_ftn1](#)]}".

Examples

A councillor became involved in a social care case on behalf of a constituent during which time he inappropriately sought to influence operational decision-making and sent discourteous and disrespectful correspondence to the officers. In doing so, he lost sight of his overall responsibility to the local authority to allow its officers to perform their statutory functions. He was found to have breached the Code of Conduct.

A councillor who, over a period of six months, persistently sought to influence the decisions of officers dealing with a complaint by his son and daughter-in-law against their local authority tenant neighbour was found, through his actions, to have compromised the impartiality of the officers and to have used his position improperly to promote the interest of his family and to have brought the role of councillor into disrepute in breach of the Code of Conduct.

What does working on behalf of the authority mean?

Local Authorities deliver services in a range of ways. Often services will have been contracted out to outside bodies. For example, if you are in a highway authority, road repair services may be carried out by outside contractors. Their employees delivering that contract are doing so on behalf of the local authority and you should not use your position to interfere improperly in delivery of that service.

What if I disagree with the views of an officer?

You are perfectly entitled to disagree with officers. They are there to give you impartial professional advice and you do not need to accept their advice without question. When you do question them however, you should treat them with respect and recognise that they are professionals.

If you feel dissatisfied with the advice you are given you should raise through appropriate management channels in line with your local authority's councillor-officer protocol (where you have one) - [\[https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#respectful-behaviour-\]](https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#respectful-behaviour-) **see guidance on respect, bullying and harassment in Part 2.** [\[https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#bullying\]](https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#bullying)

Where you have a declarable interest in a matter you are discussing with an officer you should make that clear to the officer – **see guidance on declarations of interest in Part 3.** [\[https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest\]](https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest) Where it is an interest which would stop you from taking part in a meeting you should not discuss those matters with officers except where you are seeking professional advice in the same way as any member of the public could – for example, assistance with making an application – and the officer should make a note that an interest has been declared. If you need to speak to an officer about the matter, you should arrange a meeting as a member of the public and not seek to use your position to gain preferential or quicker access.

[1] [\[#_ftnref1\]](#) Ahmed v United Kingdom (2000) 29 EHRR 1

Having regard to Officer advice

Councillors take decisions every day that affect the lives of those who live and work within your community. It is therefore important that those decisions are made having regard to all available evidence and weighing up all sides of the argument.

Decisions can be challenged if they are unreasonable, and the local authority could find itself facing an expensive legal bill if it takes a decision which is unlawful. When considering any decision, you must have regard to any professional advice you have been offered, for example from planning or licensing officers. Both the monitoring officer and the chief finance officer have a statutory duty to report formally to the local authority where they believe a local authority action or expenditure is, or may be, unlawful. Similarly, when it comes to elections, you will need to have regard to any advice given to you by the returning officer who may well be a senior officer but in that capacity is entirely independent of and separate from the local authority and is required to be politically neutral.

You must also give reasons for all decisions in accordance with statutory requirements and any reasonable requirements imposed by your local authority. Giving reasons for decisions is particularly important in relation to regulatory decisions and decisions where people's rights are affected. Where councillors disagree with officer recommendations in making a decision, councillors will need to take particular care in giving clear reasons for the decision.

If you seek advice as an individual councillor, or advice is offered to you, for example, on whether or not you should register or declare an interest, you must have regard to this advice before you make your mind up. Failure to do so may lead to a breach of the Code of Conduct.

If in any doubt – be safe and always seek advice from your monitoring officer before taking any action.

Local authorities have protocols for councillor-officer relations in their constitutions which are accessible on their websites.

The LGA published “

[\[https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor_x\]](https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor_x)
A councillor's workbook on effective councillor/officer relationships 2018

[\[https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor_x\]](https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor_x)
 ”

[\[https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor_x\]](https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor_x)

. This workbook has been designed as a distance learning aid for local councillors. It forms part of the suite of LGA resources intended to provide councillors with insight and assistance into key skills and knowledge. It is designed to provide a foundation for effective working as you progress in your councillor career, from the ward level to holding a leading councillor position. The workbook has been updated to contain information and examples obtained from the LGA's work on the ground in local authorities and through the **Corporate Peer Challenge programme** [\[https://www.local.gov.uk/our-support/peer-challenges/peer-challenges-we-offer\]](https://www.local.gov.uk/our-support/peer-challenges/peer-challenges-we-offer), and to reflect the changing nature of the councillor and officer relationship.

Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

a. given to me in confidence by anyone**b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**

- I have received the consent of a person authorised to give it;
- I am required by law to do so;
- the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- the disclosure is:

1. reasonable and in the public interest; and
2. made in good faith and in compliance with the reasonable requirements of the local authority; and
3. I have consulted the monitoring officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer, or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently. Their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents, and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Confidential information

While local authority business is by law generally open and local authorities should always operate as transparently as possible, there will be times – for example, when discussing a named individual, confidential HR matters or commercially sensitive information – when it is appropriate for local authority business to be kept confidential or treated as exempt information.

In those circumstances, you must not disclose confidential information, or information which you believe to be of a confidential nature, unless:

- you have the consent of the person authorised to give it
- you are required by law to do so
- the disclosure is made to a third party for the purposes of obtaining professional advice (for example, your lawyer or other professional adviser) provided that person agrees not to disclose the information to any other person
- the disclosure is in the public interest

Disclosure in the public interest

Disclosure ‘in the public interest’ is only justified in limited circumstances, when all the following four requirements are met:

- the disclosure must be reasonable
- the disclosure must be in the public interest
- the disclosure must be made in good faith
- the disclosure must be made in compliance with any reasonable requirements of your authority

In relation to the disclosure of confidential information in the public interest, the four requirements are outlined in more detail below.

1. The first requirement, that the disclosure must be reasonable, requires you to consider matters such as:

Whether you believe that the information disclosed, and any allegation contained in it, is substantially true. If you do not believe this, the disclosure is unlikely to be reasonable.

Whether you make the disclosure for personal gain. If you are paid to disclose the information, the disclosure is unlikely to be reasonable.

The identity of the person to whom the disclosure is made. It may be reasonable to disclose information to the police or to an appropriate regulator. It is less likely to be reasonable for you to disclose the information to the world at large through the media.

The extent of the information disclosed. The inclusion of unnecessary detail, and in particular, private matters such as addresses or telephone numbers, is likely to render the disclosure unreasonable.

The seriousness of the matter. The more serious the matter disclosed, the more likely it is that the disclosure will be reasonable.

The timing of the disclosure. If the matter to which the disclosure relates has already occurred, and is unlikely to occur again, the disclosure may be less likely to be reasonable than if the matter is continuing or is likely to reoccur.

Whether the disclosure involves your authority failing in a duty of confidence owed to another person.

2. The second requirement, that the disclosure must be in the public interest, needs to involve one or more of the following matters or something of comparable seriousness, that has either happened in the past, is currently happening, or is likely to happen in the future:

- a criminal offence is committed.
- your local authority or some other person fails to comply with any legal obligation to which they are subject.
- a miscarriage of justice occurs.
- the health or safety of any individual is in danger.
- the environment is likely to be damaged.
- that information tending to show any matter falling within the above is deliberately concealed.

3. The third requirement, that the disclosure is made in good faith, will not be met if you act with an ulterior motive, for example, to achieve a party-political advantage or to settle a score with a political opponent.

4. The fourth requirement, that you comply with the reasonable requirements of your local authority, means that before making the disclosure you must comply with your local authority's policies or protocols on matters such as whistle-blowing and confidential information. You must first raise your concerns through the appropriate channels set out in such policies or protocols.

In summary, to decide whether the disclosure is reasonable and in the public interest, you may need to conduct a balancing exercise weighing up the public interest in maintaining confidentiality against any countervailing public interest favouring disclosure. This will require a careful focus on how confidential the information is, on any potentially harmful consequences of its disclosure, and on any factors, which may justify its disclosure despite these potential consequences. If in doubt you should always seek advice from the monitoring officer. Always keep a note of the reason for your decision.

In some situations, it is extremely unlikely that a disclosure can be justified in the public interest. These will include where the disclosure amounts to a criminal offence, or where the information disclosed is protected by legal professional privilege.

Circumstances in which a local authority can treat information as confidential

The presumption under local government law is that local authority business is open unless it falls within a specific category of confidential or exempt information as set out in legislation. These categories are:

1. information given to the local authority by a Government Department on terms which forbid its public disclosure or
2. information the disclosure of which to the public is prohibited by or under another Act or by Court Order.

Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

Exempt information means information falling within the following categories (subject to any condition):

1. relating to any individual.
2. which is likely to reveal the identity of an individual.
3. relating to the financial or business affairs of any particular person (including the authority holding that information).
4. relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
5. in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. which reveals that the authority proposes:
 - 6.1. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - 6.2. to make an order or direction under any enactment
7. relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

Where information is legally classified as 'confidential' under the above categories the public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

Where an officer recommends that a report to a decision-making committee should be treated as exempt information under the above categories the committee must still agree that the matter should be heard in a closed session. The committee may disagree with any recommendation and decide that those legal tests have not been met; or they may agree that those tests have been met but nevertheless it is in the public interest that the matter be considered in an open session. Again, you should keep a record of the rationale for the decision.

Once the local authority has agreed that the matter be treated as exempt, public access to relevant reports, background papers and minutes will also be excluded and an individual councillor must abide by that collective decision or risk breaching the code if they disclose that information (papers and content of discussion) without lawful excuse.

Does confidentiality under the code apply only to information which is classified as confidential or exempt by law?

No. The code goes wider than matters simply considered in a formal local authority setting. Information is a broad term. It includes facts, advice, and opinions. It covers written material, including tapes, videos, CDs, DVDs, and other electronic media. It covers material in unwritten form, including intellectual property. Information can only be confidential if all the following apply:-

- it has the necessary 'quality of confidence' about it (trivial information will not be confidential but information that you would expect people to want to be private would be);
- it was divulged in circumstances importing an obligation of confidence (information properly in the public domain will not be confidential);
- disclosure of it would be detrimental to the party wishing to keep it confidential.

For example, you may be told confidential information by a constituent in the course of your duties. That is why the code is written broadly to cover information classed as confidential which you may come across in your duties.

You should use your judgment when you are given information. An individual does not have to explicitly say that information is confidential if they tell you something which a reasonable person would regard as sensitive. You may, however, wish to clarify if somebody tells you something whether they want you to treat it as confidential.

Examples

A councillor was assisting a resident in an adoption process, which the resident decided to subsequently withdraw from. The resident's estranged parent contacted the councillor for information as to what was happening with the case and the councillor inadvertently shared confidential information as she had not realised that father and son were estranged. This was found to be a breach of the code.

A councillor circulated information about an officer's medical condition to other councillors and a local headteacher with whom he was acquainted. He was found to have disclosed information which should reasonably be regarded as being of a confidential nature and without the officer's consent in breach of the Code of Conduct.

What does consent by the person authorised to give it mean?

If somebody, for example a constituent, has told you something in confidence – for example in the line of casework – you may later want to put that in the public domain as part of pursuing that case. You should always check with the individual before you disclose something you believe is confidential to ensure that they are comfortable with that information being disclosed. You should also be clear with them as to how you may use the information, they give you to help resolve their issue.

In what circumstances am I required to disclose confidential information by law?

This would be where a law enforcement or regulatory agency or the courts required disclosure of information.

In what way could I use information I have obtained to advance myself or others?

As a councillor you will often receive commercially sensitive or other confidential information. You must not use that information to your own advantage. For example, if you know the local authority is considering the purchase of a piece of land, you should not use that information in your private dealings to seek to purchase the land.

How does this relate to the Data Protection Act?

As part of their role councillors will receive personal information. They should seek to ensure they are familiar with how the Data Protection Act applies to their role in handling such information through training, and if they are not sure to seek advice from an appropriate officer in the council.

Although councillors are not required to register as a data controller, they will receive personal information from residents in their area. They should only use it for the purpose for which it has been given and must ensure this information is held securely and only share with others that are entitled to it.

In contrast, the local authority is responsible for information they provide to councillors and ensuring they know how it can be used.

Access to information

Transparency is a very important principle underpinning local democracy and public decision-making. The public are entitled to see information about the way decisions are made unless there are specific reasons why that information is confidential. Your local authority should have a publication scheme setting out what information is accessible to the public and you as an individual councillor must not prevent any person from accessing information which they are entitled to by law. This includes information under the Freedom of Information Act 2000 or those copies of minutes, agendas, reports, and other documents of your local authority which they have a right to access.

If in doubt seek advice from the relevant local authority officers.

The 'need to know'

As a councillor, you are not automatically entitled to access all information the local authority holds. For example, the local authority may deal with highly confidential and sensitive information about employees or about residents involved in complex cases.

In addition to rights set out in law or conferred by your local authority constitution, you have a right to inspect documents if you can demonstrate a "need to know". This isn't a right to a roving commission but must be linked to your performance of your duties and functions as a councillor. For example, the need could more easily be demonstrated by membership of a relevant committee, such as a staffing committee than simply because you are interested in seeing the information. Local authorities have more justification for denying free access to particularly sensitive papers such as childcare or staffing records. You should not seek to get information if you have a declarable interest in it.

Most local authorities will have a nominated officer you can seek advice from if you feel you are not being given access to information you seek.

You can also exercise the "need to know" in respect of attending meetings. Access to Information Rules set out an Overview and Scrutiny Committee's rights of access to documents and additional rights of access to documents for councillors to carry out their functions.

Where you are given access to documents which are not available to members of the public, you should ensure that any confidential information is used and protected in an appropriate and secure manner and shared with authorised persons only.

Can I use local authority information for matters outside the local authority?

A councillor is entitled to access information held by the local authority for the performance of their duties as a councillor. If a councillor wishes to use local authority information for any purpose other than in connection with their duties as a councillor, and that information is not in a publicly available document, however, then that councillor should submit a freedom of information request so that it can be given to them to use freely.

The general rule is that any information held by the local authority and given directly to a councillor may only ever be used for the purpose for which it was provided. That purpose may add particular restrictions, for example where it relates to an individual constituent or sensitive matter. The purpose should not be for anything other than use in connection with the proper performance of the councillor's duties as a councillor. The exceptions to this are where the information has already been published, it has been given as a result of a request under Freedom of Information or Environmental Information Regulations or it is in the public interest ('whistleblowing') for which provisions are made in the Code of Conduct as explained above.

Please see the [ICO website \[https://ico.org.uk\]](https://ico.org.uk) for helpful guidance on data protection and freedom of information.

Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public's confidence in your ability to discharge your functions as a councillor or your local authority's ability to discharge its functions.

In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their **role** into disrepute if the conduct could reasonably be regarded as either:

1. reducing the public's confidence in them being able to fulfil their role; or
2. adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring **the authority** into disrepute.

For example, circulating highly inappropriate, vexatious or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute.

Questions

What distinguishes disrepute to “your role or local authority” from disrepute to you as a person?

The misconduct will need to be sufficient to damage the reputation of the councillor's role or local authority, as opposed simply to damaging the reputation of the individual concerned.

Certain kinds of conduct may damage the reputation of an individual but will rarely be capable of damaging the reputation of the role of councillor or the reputation of the authority.

Here are some of the situations that might tip the balance in favour of disrepute to the role of councillor or to the authority in particular cases:

1. Situations where councillors have put their private interests above the public interest, which they are expected to promote as councillors, and therefore reduced the standing of their role. For example, councillors using their position to secure a secret personal profit.
2. Similarly, situations where a councillor defies important and well-established rules of the authority for private gain.
3. Where a councillor engages in conduct which directly and significantly undermines the authority's reputation as a good employer or responsible service provider.

Examples

A councillor posted a tweet reading “Cllr Blogs why don't you just throw in the towel, just go before you cause any more damage to the reputation of the council. You and some members of your cabinet have failed. I hope that the SFO is brought in to investigate your conduct. #failedleadership.” The complainant stated that she found the tweet ‘very offensive’ and bullying and also considered that the tweet would reasonably bring the councillor's office and the authority into disrepute. The councillor was found to have brought his authority into disrepute by reducing public confidence in the council.

A councillor brought his role and authority into disrepute by taking advantage of a local authority mistake and failing to prevent local authority-employed contractors from working on his privately-owned home. The local authority mistakenly sent decorators to the home, an ex-local authority property. The councillor only told the local authority about the mistake after the work had been completed and then said he could not be charged for the work.

The chair of a local authority made a deeply inappropriate remark at a local authority meeting that was reported in the local media and was accused of bringing his role and authority into disrepute. It was clear in both the meeting and the local media reporting that other councillors expressed concerns about his comments and found them inappropriate. It was found that he had not brought his authority into disrepute but that he had brought his role into disrepute.

Misuse of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a councillor provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

You should not use, or attempt to use, your public office either for your or anybody else's personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a councillor.

Involving yourself in a decision in which you have an interest, to seek to benefit yourself or another would be a breach of this paragraph of the code. For guidance on how to conduct yourself when you have an interest and how to balance your rights as an individual and your responsibilities as a public decision maker see the chapter on registration of interests.

Councillors who own land, or whose relatives or close associates own land, need to be particularly cautious where planning matters are concerned. This applies equally to parish councillors when your local authority is consulted on planning matters. Similarly, while it is reasonable to expect councillors to help constituents apply to the local authority, for example, for housing, it is quite improper to seek to influence the decision to be taken by the officers and would also be in breach of paragraph 3 of the code.

What kinds of attempts to advantage or disadvantage would be improper?

There are circumstances where it will be proper for a councillor to seek to confer an advantage or disadvantage and other circumstances where it will not.

Being a councillor can involve making hard choices and balancing a range of interests. Most decisions will inevitably benefit some people and will be to the detriment of others. It's important when you make those decisions to make them in what you think is the public interest and not be influenced by private interests.

For example, there can be no objection to councillors voicing their opposition to the closure of a local public library. This conduct is clearly intended to secure an advantage for the users of the library. What is crucial is that councillors' attempts to secure this advantage are clearly part and parcel of their duties as a local representative. Therefore, these activities are not improper.

The term 'improperly' is not defined in the Code of Conduct. This ensures that the scope of the provision is not unnecessarily limited. The underlying principle is that councillors are elected or appointed to public office to serve the public interest.

A councillor's conduct would be improper if they were to use their public position to further private interests of themselves or associates, or to settle old scores with enemies, to the detriment of the public interest. Any conduct that unfairly uses a councillor's public position to promote private interests over the public interest will be improper.

What if the attempt to confer an advantage or disadvantage fails?

The wording of the Code of Conduct makes it clear that the use of position provision (paragraph 6) covers failed attempts as well as situations where an advantage or disadvantage has actually been achieved.

For example, if you have tried to influence fellow councillors to vote in a particular way which would be to your personal advantage and/or that of your family/close associates you would have breached this provision of the code even if they did not in fact vote that way.

Examples

Most alleged improper uses of position are in connection with matters in which the councillors have interests.

A councillor who was a 'joint co-ordinator' of a community group did not notify the local authority of her position in this group. She took part in the considerations and voted on the decision to negotiate a new lease in respect of a workshop used by this community group. A standards committee found that she had used her position improperly as the decision on which she voted benefited a group in which she clearly had an interest which she had not disclosed to the local authority.

A local authority leader failed to declare a conflict of interest relating to land he owned. The court found that he used his position as a councillor and instructed a planning officer to alter the road route to benefit his own land's value to a considerable extent. He was found guilty of misconduct in public life for trying to influence the route of a new by-pass to enclose his land in a new development belt, which would have significantly increased its value. He received an 18-month custodial sentence.

A parish councillor was found to have improperly used his position and secured an advantage for a member of the public by asking the parish clerk to make a payment which had not been approved by the Parish Council in breach of the Code of Conduct. The payment was for repairs to a private road used by the councillor to get to his allotment.

Misuse of resources and facilities

As a councillor:

7.1 I do not misuse local authority resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

1. act in accordance with the local authority's requirements; and**1.1. ensure that such resources are not used for political purposes unless****1.1.1. that use could reasonably be regarded as likely to facilitate, or****1.1.2. be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by your local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

You must make sure you use the authority's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes, including party political purposes. When using the authority's resources, you must have regard, if applicable, to any Local Authority Code of Publicity made under the Local Government Act 1986.

The recommended code of practice for local authority publicity

[\[https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity\]](https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity) published by Ministry of Housing, Communities & Local Government provides guidance on the content, style, distribution, and cost of local authority publicity.

You must be familiar with the rules applying to the use of resources made available to you by your local authority. Failure to comply with the local authority's rules is likely to amount to a breach of the code.

If you authorise someone (for example a member of your family) to use your local authority's resources, you must take care to ensure that this is allowed by the local authority's rules.

You should never use local authority resources for purely political purposes, including designing and distributing party political material produced for publicity purposes.

However, your authority may authorise you to use its resources and facilities for legitimate political purposes in connection with your authority's business. For example, holding surgeries in your ward and dealing with correspondence from your constituents. In this case, you must be aware of the limitations placed upon such use for these purposes. Using your authority's resources outside of these limitations is likely to amount to a breach of the Code of Conduct. Where you are part of a formally-recognised political group, your local authority is also allowed to give you such resources as you need for local authority business, for example use of a room for group meetings.

You should never use local authority resources purely for private purposes, for example using a photocopier to print off flyers for your business unless your local authority's procedures allow for you to repay any costs accrued.

What are the "resources of the local authority"?

The resources of the local authority include services and facilities as well as the financial resources of the authority.

Resources could include any land or premises, equipment, computers, and materials. The time, skills, and assistance of anybody employed by the authority, or working on its behalf, are also resources, as is information held by the authority which it has not published.

What constitutes using resources "improperly for political purposes"?

The code acknowledges that party politics has a proper role to play, both in the conduct of authority business and in the way that councillors carry out their duties.

There will be times when it is acceptable for political groups to use the resources of the local authority, for example, to hold meetings in authority premises. Often it is impractical to separate a councillor's political campaigning from carrying out their duties as an elected ward member, such as when they hold surgeries or deal with correspondence from constituents.

However, councillors and monitoring officers will need to exercise considerable care to ensure that this provision is not abused. You must ensure that there is a sufficient connection between the use of resources and the business of the authority. Only **improper** use of resources will be a breach of the Code of Conduct.

This part of the code complements Section 2 of the Local Government Act 1986, which prevents the publication of material "designed to affect public support for a political party". The code, however, goes further than the Code of Recommended Practice on Publicity. It covers not only the publication of campaigning material but also any other activity that is intended to promote purely party-political interests.

You must have regard to any applicable local authority code of publicity made under the powers contained in Section 4 of the Local Government Act 1986. Publicity is defined as "any communication, in whatever form, addressed to the public at large or to a section of the public". It will cover meetings, websites, and social media postings as well as printed and other written material.

You should be particularly scrupulous about the use of authority resources when elections are pending, particularly those resources relating to publicity. When using the local authority's resources in these circumstances, you should not appear to be seeking to influence public opinion in favour of you, your party colleagues, or your party.

How do you know what the authority's requirements for the use of resources are?

Your local authority should have a protocol dealing with use of authority resources. A typical protocol would cover the following topics:

- use of authority premises
- councillor-officer relationships including use of officer time
- information technology, for example computer equipment and the use of associated software, including the use of such equipment at home
- telephones
- photocopying
- use of stationery and headed notepaper
- postage
- use of authority transport
- allowances and expenses

Your local authority may also have a separate protocol on the use of social media which would also be relevant.

The key principle underlying all such protocols should be that public office and public resources should not be used to further purely private or party-political purposes.

It is worth noting that where you authorise someone such as a family member to use the authority's resources, you must check whether the authority's rules allow this.

Examples

The complaint alleged a councillor used his computer equipment provided by his local authority for private purposes by downloading inappropriate adult pornographic images and sending a number of letters to a local newspaper, which he falsely represented as being from members of the public. He was found to have misused the local authority's equipment in breach of the code and had brought his office into disrepute.

A councillor used local authority notepaper in an attempt to avoid parking penalties incurred by his son. He also dishonestly attempted to renew a parking permit for disabled drivers. He was convicted of attempting, by deception, to evade the parking penalties dishonestly. He was also found by his local authority to have breached this paragraph of the code.

Complying with the Code of Conduct

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your monitoring officer.

As a councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

Councillors should be competent for the work they undertake, and this includes the way in which you conduct yourself when carrying out your role as a councillor. Training helps to develop such competence, ensuring that you understand the Code of Conduct and how it applies to you.

As a councillor you are responsible for your own actions and will be held personally responsible if you breach your local authority's Code of Conduct. Therefore, it is essential that, where you are offered the opportunity by your local authority, you equip yourself with sufficient knowledge of the code to ensure that you comply with it at all times.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

The Code of Conduct is a cornerstone of good governance. It is important for public trust that it is seen to be taken seriously by individual councillors as well as the local authority as a whole.

While being the subject of a complaint that you have breached the Code of Conduct and having your conduct investigated may at times be unpleasant and stressful it is essential that councillors cooperate with any code investigations and determinations. Failure to cooperate will not stop an investigation but may simply drag matters and does not allow you to put your side of the story so increases the risk that inferences are drawn about your unwillingness to cooperate and that you will be found in breach of the Code.

It is equally important if you have made a complaint which the local authority has decided merits investigation that you continue to cooperate. Complaints made simply to damage the reputation of an individual through inferences but which you are not willing to support through your cooperation will damage relationships and will also damage the reputation of you and your local authority.

If you are asked to assist the investigator as a potential witness it is again important that you do so to allow as fully rounded a picture as possible to be drawn so that any determination on a case has as much evidence as necessary in order to reach the correct decision. You should let the investigator know if you need any reasonable adjustments made.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

However much you may be concerned about allegations that you or a fellow councillor failed to comply with the Code of Conduct, it is always wrong to intimidate or attempt to intimidate any person involved in the investigation or hearing. Even though you may not have breached the Code of Conduct, you will have your say during any independent investigation or hearing, and you should let these processes follow their natural course. If you seek to intimidate a witness in an investigation about your conduct, for example, you may find yourself subject to another complaint that you breached this paragraph of the Code of Conduct.

When does the duty not to intimidate start and avoiding allegations of intimidation?

Once there is the possibility of a complaint that the Code of Conduct has been broken, councillors need to be alert to how their behaviour towards potential witnesses or officers involved in handling of their case may be viewed. However innocently the contact is intended or may appear, great care should be taken when councillors deal with people involved with their case.

You should refer to your local authority's procedures and protocol for dealing with alleged breaches of your Code of Conduct.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

Fair, consistent, and proportionate sanctions help to ensure the integrity of the standards framework and thus maintain public trust and confidence in councillors, your role, and your authorities. It is important that councillors and local authorities take standards of conduct seriously and the use of sanctions helps to demonstrate this.

Failure to comply with sanctions can bring the standards framework into disrepute.

Part 3 – Protecting your reputation and the reputation of the local authority

The code requires you to register matters under 2 separate categories:

1. Gifts and hospitality, you receive in your role as a councillor; and
2. Certain types of interests

Registration of gifts, hospitality and interests

Gifts and hospitality

As a councillor:

9.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

9.2 I register with the monitoring officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

9.3 I register with the monitoring officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your monitoring officer for guidance.

What does “hospitality” mean?

Hospitality can be defined as any food, drink, accommodation, or entertainment freely provided or heavily discounted.

How much detail should I include on the register?

Where you register gifts or hospitality you should include the name of the person or organisation who gave you the gift or hospitality; the date on which you received it; the reason it was given; and its value or estimated value.

How do I know if gifts or hospitality have been offered to me because of my role as a councillor?

The code says you must register any gift or hospitality received *in your capacity as a councillor* if the estimated value exceeds £50 or such other limit as agreed by your local authority.

You should ask yourself whether you would have received the gift or hospitality if you were not on the local authority. If you are in doubt as to the motive behind an offer of a gift or hospitality, we recommend that you register it or speak to the clerk or monitoring officer before deciding whether to accept it. You should also refer to the local authority's policy on gifts and hospitality.

You do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should apply common sense when you consider how receipt of a gift might be interpreted. For example, if you are the chair of the planning committee and a birthday present arrives from a family friend who is also an applicant just before a planning application is due to be considered, then you need to think about how this would be interpreted by a reasonable member of the public.

What about gifts or hospitality I do not accept?

The code makes it clear that the presumption is that you do not normally accept gifts or hospitality. While gifts or hospitality can be offered for benign reasons it is important for your reputation, the reputation of the local authority and the need to reassure the public that decision-making is not being improperly influenced that you do not accept gifts or hospitality wherever possible.

Simply accepting gifts or hospitality and then registering it does not mean that it may be seen as reasonable. Accepting an expensive meal from somebody who is negotiating for a contract with the council, for example, is not 'made right' by being recorded on a public register.

There will be times, however, where turning down hospitality or gifts could be seen as causing unnecessary offence. For example, if you have been invited as a ward councillor to a local festival or faith celebration along with other members of the community then it may be entirely appropriate to accept the hospitality. However, you should always exercise particular caution if the organisers are involved in ongoing negotiations with the local authority on a particular matter.

Where you are offered a gift or hospitality but decline it you should nevertheless notify the monitoring officer. That helps the authority to identify if there are any patterns and to be aware of who might be seeking to influence the authority.

What about gifts or hospitality that falls below the limit in the code?

You should always notify the monitoring officer of any gift or hospitality offered to you if it could be perceived as something given to you because of your position, especially where the gift or hospitality is from somebody who has put in an application to the local authority (or is about to) even where that hospitality falls below £50 or the limit set by the local authority.

While that would not be a matter for the public register it again allows the authority to be aware of any patterns.

Also, an accumulation of small gifts you receive from the same source over a short period of say a couple of months that add up to £50 or over should be registered in the interests of transparency.

What if I do not know the value of a gift or hospitality?

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life. You may therefore have to estimate how much a gift or hospitality is worth. For example, if you attend a dinner as a representative of the authority which has been pre-paid by the sponsors you would need to make an informed judgment as to its likely cost.

What if I'm at an event but don't have the hospitality or only have a small amount?

The best way to preserve transparency is for you to assess the hospitality on offer, whether it is accepted or not. This is because it would clearly not be in your interests to be drawn into arguments about how much you yourself ate or drank at a particular occasion. For example, you may find yourself at a function where relatively lavish hospitality is on offer, but you choose not to accept it. You may go to a champagne reception but drink a single glass of orange juice for example.

As a guide you should consider how much a person could reasonably expect to pay for an equivalent function or event run on a commercial basis. What you have been offered is the value of the event regardless of what you actually consumed. Clearly where you are in any doubt the prudent course is to register the hospitality.

Is there a minimal threshold where I wouldn't have to notify the monitoring officer?

The code is about ensuring that there is transparency and accountability about where people may be trying to influence you or the local authority improperly. However, in the course of your duties as a councillor you will be offered light refreshments or similar on many occasions. It is perfectly acceptable to have a cup of tea or biscuits at a meeting with residents at the local community centre for example and there may be times when an external meeting lasts all day and the organisers offer you a sandwich lunch and refreshments.

The Government's guide to the Bribery Act for employers says that 'the Government does not intend that genuine hospitality or similar business expenditure that is reasonable and proportionate be caught by the Act, so you can continue to provide bona fide hospitality, promotional or other business expenditure. In any case where it was thought the hospitality was really a cover for bribing someone, the authorities would look at such things as the level of hospitality offered, the way in which it was provided and the level of influence the person receiving it had on the business decision in question. But, as a general proposition, hospitality or promotional expenditure which is proportionate and reasonable given the sort of business you do is very unlikely to engage the Act.'

You should use your discretion and think how it might look to a reasonable person but always seek the views of the monitoring officer or clerk where you are a parish councillor if in doubt.

What are 'normal expenses and hospitality associated with your duties as a councillor'?

As well as the minimal threshold hospitality above there will be times when you are paid expenses which include an element for food and drink as part of your role.

The focus of the code is on the source of the hospitality and its nature. Hospitality does not need to be registered where it is provided or reimbursed by the authority or where it is clearly ancillary to the business being conducted, such as an overnight stay for an away-day. Therefore, hospitality at a civic reception or mayor's ball would not need to be registered.

However, the hospitality should be registered if it is provided by a person or body other than the authority and is over and above what could reasonably be viewed as ancillary to the business conducted. You might meet dignitaries or business contacts in local authority offices. However, if such meetings take place in other venues, such as at cultural or sporting events, this should be registered as hospitality.

If you are away at a conference and you are offered entertainment by a private company or individual or attend a sponsored event you should consider registering it.

What if my role involves me attending regular events or receiving gifts or hospitality?

Some roles in a local authority will inevitably involve being offered more entertainment than others because of the 'ambassadorial' nature of the role. For example, the mayor or chair of the authority will be invited to a large number of functions and the leader of the local authority may be attending events as political leader of the local authority.

Although the mayor or chair, for example, may attend many social functions, they are not exempt from the requirement to register hospitality as individual councillors. However, where the hospitality is extended to the office holder for the time being rather than the individual, there is no requirement under the code to register the hospitality against your individual register. The question a councillor needs to ask themselves is, "Would I have received this hospitality even if I were not the mayor/chair?" If the answer is yes, then it must be registered.

If matters are recorded on a mayor or chair's register any entry on the register should make it clear that gifts or hospitality are being accepted because of the office held and, where possible, any gifts accepted should be 'donated' to the local authority or to charity or as raffle prizes for example.

Gifts that are clearly made to the local authority, for example a commemorative goblet which is kept on display in the local authority's offices, do not need to be registered in the councillor's register of gifts and hospitality. However, such gifts ought to be recorded by the local authority for audit purposes.

Register of interests

Section 29 of the Localism Act 2011 requires the monitoring officer to establish and maintain a register of interests of members of the local authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision-making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the monitoring officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)**. [<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests>] which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**. [<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests>].

You must register two different categories of interests:

1. Disclosable Pecuniary Interests – these are categories of interests which apply to you and your partner. The categories are set out in regulations made under s27 of the Localism Act 2011 and knowing non-compliance is a criminal offence.
2. Other registerable interests – these are categories of interest which apply only to you and which the LGA believes should be registered as an aid to transparency.

Further details about these two categories follow. For guidance on when these interests give rise to a matter which needs to be declared at a meeting see the **guidance on declaring interests in Part 3**. [<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest>]

Disclosable Pecuniary Interests

These are interests which must be notified to the principal authority's monitoring officer within 28 days of the code being adopted by your local authority or within 28 days from when you become a councillor in accordance with the statutory requirements of the Localism Act 2011. These are enforced by criminal sanction, and failure to register or declare such an interest at a meeting is a criminal offence. You must keep your register up to date so, as soon as a new interest needs to be registered or you cease to hold an interest, you should notify the monitoring officer.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) and the categories covered are set out in Appendix A of the Code.

Offences

It is a criminal offence under the Localism Act 2011 to

- fail to notify the monitoring officer of any disclosable pecuniary interest within 28 days of election or co-option
- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- fail to notify the monitoring officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- knowingly or recklessly provide information that is false or misleading in notifying the monitoring officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to five years.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licences	Any licence (alone or jointly with others) to occupy land in the local authority for a month or longer
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

* 'director' includes a member of the committee of management of an industrial and provident society.

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

Does 'office carried on for profit or gain' include allowances I may receive from another local authority I sit on?

If you receive allowances which are treated as taxable income rather than simply being pure reimbursement of expenses, say, then they do need to be registered and declared as appropriate.

Reimbursement of expenses is separately covered by the DPI category 'sponsorship' and makes clear that it excludes the need to register or declare reimbursement of expenses from one's own authority. However, that does not exclude any allowances received from another authority. This is supported by a letter written by the then Minister Brandon Lewis to Desmond Swayne MP in 2013 when this issue was raised with Government which said: "a member being in receipt of taxable members' allowances may be considered to give rise to a disclosable pecuniary interest under the subject of 'Employment, office, trade or vocation' set out in the regulations.

That means that any member in receipt of taxable allowances from another authority would have to register such as a DPI. For example, a parish councillor who is also a district councillor and is in receipt of taxable allowances from the district would need to register that fact.

How much detail do I need to put about my employment?

It is not enough simply to put, for example, 'management consultant' or 'teacher'. Sufficient detail should be given to identify your company or employer. This aids transparency and allows people to see where potential conflicts of interest may arise.

Where you have a sensitive employment, which should not be disclosed you should discuss this with your monitoring officer (see 'sensitive interests' below). While the law on sensitive interests only applies to where there is a fear of intimidation there may be employment, such as certain sections of the military, which cannot be disclosed for other reasons so you should always seek advice if in doubt.

What is a contract with the local authority?

Some councillors' own businesses which may have dealings with the local authority. For example, a grounds maintenance company may contract with a parish council for grass cutting. Such contracts should be included on the register of interests.

More broadly, councillors, as residents, may have dealings with the local authority in their personal lives. For example, some councillors pay their own local authority to have garden waste collections, rent an allotment or may be a member of the gym of a local authority operated leisure centre. Such arrangements form a subscription service that are open to all residents, and do not require registration.

How much detail is required of landholdings?

Sufficient detail should be given to identify the land in question.

An address and, where the address is not sufficient, details that are sufficient to identify the land will usually meet the requirement. A plan identifying the land may be useful in some situations but is not a requirement.

Do you have to register the landholdings of your employers or bodies you have shareholdings in?

In general, there is no requirement to list the landholdings of companies or corporate bodies included in the register. The only requirement is to register any tenancy between such bodies and the authority (under the corporate tenancies). Obviously, you can only be expected to register those you ought reasonably to be aware of, so, for example, if you work for a large housebuilder you may not be aware of which land in the local authority's area they had options on.

You do need to be mindful of your level of control in the company and the effect this may have on your benefit from the land. For example, if you and your spouse jointly owned a farming business, you would be the sole beneficiaries of any land owned by that farm and as such it is strongly advised to register land held by companies in which you have a controlling interest.

What about my home and tenancies?

The most common beneficial interest in land councillors have is their home address. You should include in here your home if you live in it; whether that be as a result of a mortgage, tenancy, or other arrangement (for example, a councillor is living with their parents but not paying a rental fee to them).

You should also include in the section for beneficial interests in land any tenancy properties you own in the local authority's area.

How much information do you have to give out about shareholdings?

In general, if you hold more than £25,000 of equity in a company, or more than 1 per cent of a shareholding, you are required to declare this.

Many councillors hold investments through trust funds, investment funds or pension funds which are managed by fund managers. In that situation, you may not know if you actually hold more than £25,000 in a single company or more than 1 per cent of a shareholding. The expectation is that you should take reasonable steps to ensure you do understand what investments you may have and whether the requirement to register applies, and so

1. It can be helpful for councillors to state on their form that they have funds invested in specific funds.
2. It can be helpful for councillors to make fund managers aware of their requirement to declare where they hold significant investments within a company that operates in the local authority's area so that they can be notified if this is the case.

Do I have to separate my spouse/partners interests and my own interests?

The law only requires you to register the interests, and you are not required specifically to state whether the interest is held by you, or by your spouse. However, many local authorities do ask for this information as it can be more transparent to separate it.

How much information do I need to obtain from my spouse/partner?

You need to make sure you take all reasonable steps to obtain information from your spouse or partner about their interests. For example, you would reasonably be expected to know where they worked, or if they owned any rental properties. You would be expected to ask if they had any shareholdings in companies, but they may not know the full details of an investment fund they had and where it was invested, and if that were the case, you would not be expected to know (and register) it either.

Other registerable interests

In addition to the Disclosable Pecuniary Interests above, you must, within 28 days of the code being adopted by your local authority, or your election or appointment to office (where that is later), notify the monitoring officer in writing of the details of your interests within the following categories, which are called 'other registerable interests':

- (a) Details of any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your local authority;
- (b) Details of any body of which you are a member or in a position of general control or management and which –
 - exercises functions of a public nature
 - is directed to charitable purposes, or
 - is a body which includes as one of its principal purposes influencing public opinion or policy
- (c) Details of any gifts or hospitality with an estimated value of more than £50 or such other limit as your local authority has agreed, that you receive personally in connection with your official duties.

With Other Registerable Interests, you are only obliged to register your own interests and do not need to include interests of spouses or partners. Therefore, a spousal interest in a local group is not registerable as an 'other registerable interest'. Failure to register these interests is **not** covered by the criminal offence but would be a breach of the code.

What is a "body exercising functions of a public nature"?

Although it is not possible to produce a definitive list of such bodies, here are some criteria to consider when deciding whether or not a body meets that definition -

- does that body carry out a public service?
- is the body taking the place of local or central government in carrying out the function?
- is the body (including one outsourced in the private sector) exercising a function delegated to it by a public authority?
- is the function exercised under legislation or according to some statutory power?
- can the body be judicially reviewed?

Unless you answer "yes" to one of the above questions, it is unlikely that the body in your case is exercising functions of a public nature.

Examples of bodies included in this definition: government agencies, other councils, public health bodies, council-owned companies exercising public functions, arms-length management organisations carrying out housing functions on behalf of a council, school governing bodies.

Do local campaigning or Facebook groups need to be registered?

Membership (which does not include simply being on a mailing list), of local campaign or Facebook groups will only need to be registered if they are bodies:

- exercising functions of a public nature;
- directed towards charitable purposes; or
- one whose principal purpose includes influencing public opinion or policy.

Generally, it is unlikely that these groups will be regarded as formal bodies to be registered. However, each case should be considered on its own merits. 'A Body' is defined as 'a number of persons united or organised'. Some groups are very united on their cause and organised, but their purpose must fall under one of the functions listed above.

There must also be some formality to the membership, such as registration for example. Simply attending a meeting of a local campaign does not of itself make you a 'member' of that organisation.

There has been a growth in organisations which are more nebulous in nature, and no formal membership requirements exist, such as Extinction Rebellion. It can be helpful to ask yourself the question "do I consider I am a member of the organisation" and if the answer is yes, then register the membership for transparency purposes.

If you need further information or specific advice, please speak to your clerk or monitoring officer.

What about membership of a political party or trade union?

The second category of other registerable interests refers to membership of a body or being in a position of general control and management of a body, one of whose principal purposes includes the influence of public opinion or policy. This includes any political party or trade union. Memberships of political parties and Trade Unions therefore need to be registered. Remember that if because of membership of a political party or a trade union any payment or financial benefit is received, it is likely to come under the Sponsorship category of DPI.

Sensitive interests

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the monitoring officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

What is sensitive information?

It may include your sensitive employment (such as certain scientific research or the Special Forces) which is covered by other legislation or interests that are likely to create serious risk of violence or intimidation against you or someone who lives with you. For example, disclosure of your home address where there has been a threat of violence against you or where there is a court order protecting your whereabouts.

You should provide this information to your monitoring officer and explain your concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that you or a person who lives with you will be subjected to violence or intimidation. You do not need to include this information in your register of interests, if your monitoring officer agrees, but you need to disclose at meetings the fact that you have an interest in the matter concerned (see guidance on declaring interests).

What happens if the monitoring officer does not agree that the information is sensitive?

It is for the monitoring officer to decide if the information is sensitive. You must notify the monitoring officer of the information which you think is sensitive and give your reasons and any supporting evidence.

If the monitoring officer agrees, this information does not need to be included in the register of interests. However, if the monitoring officer disagrees then it must be registered.

What happens if the information stops being sensitive?

You must notify the monitoring officer of any change in circumstances which would mean that the sensitive information is no longer sensitive within 28 days of the change, for example a change in employment. The information would then be included in the authority's register of interests.

I haven't received a direct threat, but I am concerned about registering my home address.

At present, councillors are required to register their home address as part of their local authority's register of interests which are typically published on their local authority website. There have been growing concerns about the potential for threats and intimidation to councillors by virtue of disclosing their home address. Whilst some councillors believe disclosing a home address is a core component of democracy and it is important for the public to know where a councillor may live as they may be making decisions that have an impact on their property, others are very concerned about it. Section 32 of the **Localism Act 2011** [https://en.wikipedia.org/wiki/Localism_Act_2011] allows Local Authorities to withhold sensitive interests from the public register where their disclosure could lead to violence or intimidation. It is recommended that councillors should not be required to register their home addresses as a disclosable pecuniary interest. The **Committee on Standards in Public Life** [https://en.wikipedia.org/wiki/Committee_on_Standards_in_Public_Life]'s review of Local Government Ethical Standard recommended in January 2019 that councillors should not be required to register their home addresses as a disclosable pecuniary interest. However, at present the Government has not legislated for this.

It is important that if councillors have such concerns, they share these with the monitoring officer transparently and openly so they can be properly considered.

Who should you notify when registering your interests?

The Localism Act and the Code both say that the monitoring officer is responsible for maintaining the register. You must therefore notify your monitoring officer of your interests to be registered. This is also true for parish councillors that you must notify the monitoring officer of the district, metropolitan or unitary authority for the area in which the parish council is situated.

However, the obvious point of contact for information of this type for the public is the parish clerk. The clerk needs to have an up-to-date copy of the register of interests in order to comply with public access requirements and there is a requirement for the parish council to publish the registers on their website where they have one, either directly or through a link to the relevant page on the principal authority's website. It also ensures that the clerk is aware of potential conflicts if they arise in a parish council meeting and can advise accordingly. It is therefore practical for the parish clerk to act as the point of contact between parish councillors and the relevant monitoring officer by collecting their interests together, passing them on and regularly asking councillors to review if there have been any changes.

However, you should ensure that there is a system in place for the parish clerk to pass on immediately any information to the relevant monitoring officer as each individual councillor is ultimately responsible for ensuring that the relevant monitoring officer is in possession of all the required information.

Declarations of interest

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the monitoring officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1 of the Code** [<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests>], is a criminal offence under the Localism Act 2011.

Appendix B of the Code [<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests>] sets [<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests>] out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your monitoring officer.

This part of the Code is about the registering of your interests and then how to go about declaring or managing your interests.

At heart there is a simple principle – as public decision-makers, decisions must be made in the public interest and not to serve private interests. However, the rules to set out whether you have an interest or not in any given situation can be complex given the infinite variety of issues that may arise. This guidance is to help you steer a way through those rules.

The Code therefore requires members to declare interests in certain circumstances. Disclosure, in the register and at meetings, is about letting members of the public and interested parties know where you are coming from when involved in decision making and is to enable you to be 'up front' about who you are and what your conflicts of interest might be. Conflicts of interest in decision making as a councillor, and what in public law is known as 'apparent bias', are an established part of the local government legal landscape. The Nolan Principles and the Model Code require councillors to act impartially (i.e. not be biased) when carrying out their duties. **(See also guidance on bias and predetermination in Part 3) [1]**.

A single councillor who is guilty of bias is enough to strike out the whole decision when challenged before the courts. This can cause huge cost and reputational damage for the local authority, yet is seldom due to actual corruption or even consciously favouring a personal interest over the public interest on the part of the councillor involved and may have no repercussions for them personally.

The object of this part of the Code is therefore twofold.

Firstly, it is to provide an explanation and a guide to the public and councillors as to what is or isn't a conflict of interest and then how a conflict between the interest you may hold as an individual councillor and the public interest you must hold as a decision maker of a public authority can be best managed.

Secondly, the Code provides a means to hold an individual councillor to account for their actions when they fail to manage that conflict of interest properly and put the decision of the public authority, including the public purse, and decisions around individuals' daily lives, at risk.

The test at law for apparent bias is 'would a fair-minded and informed observer, having considered the facts, conclude that there was a real possibility of bias'. This is why you will see this question reflected in the Code when you are asked to consider whether or not you should participate in a meeting where you have a conflict of interest.

The code contains three different categories of interests – **Disclosable Pecuniary Interests (DPI); Other Registerable Interests (ORI); and Non-Registerable Interests (NRI)**.

For the first two categories these are interests which must be recorded on a public register except in limited circumstances (**see guidance on Registration of Interests in Part 3**) [<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest>]. The third category do not need to be recorded on the register but will need to be declared as and when they arise.

This means an interest may arise not just from interests already on your register. There will also be times when, although the interest does not personally involve you, it may involve a relative or close associate. You are not expected to register every interest of those people, but you will need to declare them as and when they might arise. These are referred to in the code as '**non-registerable interests**'.

As a brief summary, the requirements of the code apply where:

1. you or someone you are associated with has an interest in any business of your authority, and;
2. where you are aware or ought reasonably to be aware of the existence of that interest, and
3. you attend a meeting of your authority at which the business is considered (or where you are making a delegated decision as an individual under executive arrangements).

You must disclose to that meeting the existence and nature of your interests at the start of the meeting, or when the interest becomes apparent. It is usual to have for any declarations of interest at the start of the meeting but it is good practice also to ask again at the start of any agenda item. For example, members of the public may only be present for a specific item so will not have heard the declaration at the start, and a member may only become aware of the interest part-way through the meeting or item in any case.

And there will be times that because your interest is so close to the matter under discussion you will not be able to take part in that item of business. Those circumstances are explained in greater detail for each category of interest below.

This means there are three types of interest which you may have to declare:

Disclosable Pecuniary Interests (Part A of the Register [<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-a-the-seven-principles-of-public-life>]); [<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-a-the-seven-principles-of-public-life>].

Other Registerable Interests (Part B [<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests>]); [<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests>] and **Non-registerable interests** [<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests>].

Guidance is given below on each of these categories in turn.

Disclosable Pecuniary Interests

(Annex B, paragraphs 4 and 5) [<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests>]

Disclosable Pecuniary Interests (or 'DPIs') were introduced by s30 of the Localism Act 2011. They are a category of interests which relate to the member and/or their partner, such as financial interests of you or your partner such as your house or other property, or if you have a job or own a business. The categories are set out in regulations made under the Act and are in **Table 1 of Annex B of the Code** [<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests>].

'Partner' is defined by regulations as your 'spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.'

They must be registered and, where they come up in a meeting, declared. Failure knowingly to register or declare a DPI is a criminal offence under the Localism Act.

The Localism Act says that if you are present at a meeting of the Council, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest **in any matter to be considered or being considered at the meeting**:

- you may not participate in any discussion of the matter at the meeting
- you may not participate in any vote taken on the matter at the meeting
- if the interest is not registered, you must disclose the interest to the meeting
- if the interest is not registered and is not the subject of a pending notification, you must notify the monitoring officer of the interest within 28 days.

The Act says you need to declare the nature of the interest only if it is not on the public register. In addition, your authority's rules might require you to leave the room where the meeting is held while any discussion or voting takes place.

However, the Model Code states that it is important to declare the nature of the interest and to withdraw while the item is being dealt with. This aids transparency for the public and helps avoid accusations that you may be seeking to influence the outcome by remaining in the room even if your local authority's rules don't explicitly require it.

If you have a **DPI**, you may in certain circumstances be granted a dispensation to take part (see guidance on **Dispensations in Part3**).

When does a Disclosable Pecuniary Interest arise?

The Localism Act uses the phrase 'you have a DPI in any matter...'

This wording has led to some confusion as to what circumstances would lead to the need to declare a DPI. The Explanatory Notes to the Localism Act say that section 31 of the Act "requires a member of a relevant authority to disclose a disclosable pecuniary interest that they are aware of (apart from a sensitive interest), at a meeting or if acting alone, where any matter to be considered **relates to** their interest. ... It prohibits a member from participating in discussion or voting on any matter **relating to** their interest or, if acting alone, from taking any steps in relation to the matter (subject to any dispensations)." [our emphasis].

This means you have a Disclosable Pecuniary Interest (DPI) in a matter when the matter being discussed **directly relates** to your registered interest or that of your partner, rather than simply affecting it.

For example, if you have registered 1 Acacia Avenue as your address, you would have a DPI if you put in a planning application for 1 Acacia Avenue, or if the whole of Acacia Avenue was being considered for a Resident Parking Zone.

You would not have a DPI if 3 Acacia Avenue had put in a planning application as the matter does **not directly relate** to your registered interest. You may however have a non-registerable interest (see below) as the application may indirectly affect your property.

Does setting the Council Tax or precept give rise to a DPI?

The LGA is clear that you do not have a DPI simply if you are voting to set the Council Tax or precept. Guidance issued by the Government in 2013 made clear that 'any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.'

The Council Tax and precept are charges on all relevant properties in the area and do not directly relate to any single property in such a way as to give rise to a DPI. Members are therefore fully entitled to vote on the matter (subject to rules about Council tax arrears).

Other registerable interests

(Paras 6, 8 and 9 of Annex B) [<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests>]

The second category of interests are 'other registerable interests' or ORIs.

If you have an 'Other Registerable Interest' – that is an interest which falls within the categories in Table 2 in Annex B - the Code says you should not participate in the relevant business in two circumstances:

1. when a matter directly relates to the finances or wellbeing of that interest. (para 6); or
2. when a matter affects the finances or wellbeing of that interest to a greater extent than it affects the majority of inhabitants; and a reasonable member of the public would thereby believe that your view of the public interest would be affected (paras 8 and 9).

An interest 'directly relates' to an outside body where the local authority is taking a decision which directly relates to the funding or wellbeing of that organisation

For example, under a) if you are a member of a group which has applied for funding from the local authority, or if you are a member of an organisation which has submitted a planning application, the decision directly relates to that organisation.

In such a case you must not take part in any discussion or vote on the matter. You can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. For example, you may want to put forward the organisation's case as to why it has applied for funding, but representatives from competing organisations would also need to be able to make their case.

If the public are not allowed to address the meeting on that item, you would need, if necessary, to get another councillor who did not have an ORI to make any relevant case.

If the local authority is simply discussing that outside organisation but not making a decision which relates to its finances or wellbeing – for example discussing the annual report from the organisation – that does not directly relate to the organisation as there is no direct impact on the organisation which would give rise to a conflict of interest.

Under b) if you are on the committee of the local village hall and an application for a licence for another venue in the village is made which may take trade away from the village hall then the matter would affect the village hall and a reasonable person would believe that would affect your view of the public interest so those two tests are met.

You would not have an interest if the local authority was discussing early planning for an event, which may or may not be held in the village hall as there would be no direct financial impact at that time. When the plans crystallised then an interest would arise as a decision would be made which would have financial implications.

There will also be circumstances where you do not need to declare an interest even though the matter may be relevant to the wider aims of an organisation of which you are a member. For example, if you are a member of a charity such as the Royal Society for the Protection of Birds (RSPB), you do not need to declare an interest every time the local authority might discuss matters relating to habitats or conservation issues. Those issues may reflect the wider aims of RSPB, but they do not directly relate to or affect the organisation and your mere membership of the organisation has no bearing on the matter.

If you were in a position of control or general management in that body and the organisation was campaigning actively on the specific issue being discussed or you personally were campaigning actively on that specific issue the situation would be different. In those circumstances you may have an interest and there is a risk of predetermination. Where there is doubt you should always seek advice from the monitoring officer (or clerk if you are a parish councillor).

As with DPIs you can be granted a dispensation (see below) and if the interest has not been registered or notified to the monitoring officer you should do so within 28 days of the meeting.

Non-registerable interest

(paras 7, 8 and 9 of Annex B) [<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests>]

The third category of interests is Non-registerable interests or NRIs.

A **Non-registerable Interest** arises where the interest is that of yourself or your partner which is not a DPI or of a relative or close associate (see definition below).

As a councillor you are not expected to have to register the interests of your relatives or close associates but under the Code you are expected to declare them as and when relevant business occurs which affects their finances or wellbeing. The Code says you should not participate in the relevant business in two circumstances:

- **a.** when a matter directly relates to that interest. Or
- **b.** when a matter affects that interest to a greater extent than it affects the majority of inhabitants and
 - a reasonable member of the public would thereby believe that your view of the public interest would be affected

For example, under a) if your son has submitted an application for a licence to open a bar, the matter directly relates to your relative. You must not take part in any discussion or vote on the matter.

For example, under b) there has been an application made to build several units of housing on a field adjacent to your business partner's home. It is not their application, but they will be more affected by the application than the majority of people so again you would be expected to declare the interest and withdraw.

Similarly, an application for the property next door to you does not directly relate to your property so it is not a DPI, but you would instead need to declare a Non-Registerable Interest.

In all of these cases you can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. If the public are not allowed to address the meeting on that item, you would need if necessary, to get another councillor who did not have an NRI to make any relevant case or to represent the wider views of constituents.

As with DPIs you can be granted a dispensation (see below).

What is the difference between 'relates to' and 'affects'?

Something relates to your interest if it is directly about it. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you or an outside body you have registered has a financial interest.

'Affects' means the matter is not directly about that interest but nevertheless the matter has clear implications for the interest – for example, it is a planning application for a neighbouring property which will result in it overshadowing your property. An interest can of course affect you, your family or close personal associates positively and negatively. So, if you or they have the potential to gain or lose from a matter under consideration, an interest would need to be declared in both situations.

What does "affecting well-being" mean?

The term 'well-being' can be described as a condition of contentedness and happiness. Anything that could affect your quality of life or that of someone you are closely associated with, either positively or negatively, is likely to affect your well-being. There may, for example, be circumstances where any financial impact of a decision may be minimal but nevertheless the disruption it may cause to you or those close to you could be significant. This could be on either a temporary or permanent basis. Temporary roadworks in your street may affect your wellbeing on a temporary basis. Closure of a local amenity may have a more permanent impact on your wellbeing if you use it more than the majority of people in the area.

What are the definitions of relative or close associate?

The Code does not attempt to define "relative" or "close associate", as all families vary. Some people may have very close extended families, but others will have more distant relations. You should consider the nature of your relationship with the person (eg whether they are a close family member or more distant relation). The key test is whether the interest might be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a councillor. It would be a person with whom you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts. A close associate may also be somebody to whom you are known to show animosity as you might equally be viewed as willing to treat them differently.

What if I am unaware of the interest?

You can only declare an interest in a matter if you are aware of the interest. For example, a company of which your father-in-law is a director may have made an application to the local authority. You may not be aware that he is a director, and you are not expected to have to ask about the business affairs of your relatives or acquaintances simply because you are a councillor. However, you would need to declare an interest as soon as you became aware.

A reasonable member of the public would expect you to know of certain interests of course, so it is, for example, reasonable that you would be expected to know your daughter's address or job but not necessarily any shareholdings she might have. While it is therefore your decision as to whether or not to declare an interest, you should always consider how it might seem to a reasonable person and if in doubt always seek advice from the monitoring officer.

Do I always have to withdraw if I have an 'other registerable interest' or a non-registerable interest to declare?

Where you have declared a DPI the Localism Act says you must always withdraw from participation unless you have a dispensation.

If the matter is an 'other registerable interest' or a non-registerable interest you must always withdraw from participation where the matter directly relates to that interest unless you have a dispensation.

If it is something which affects the financial interest or wellbeing of that interest you are asked to declare it and the Code then asks you to apply a two-part test before considering whether to participate in any discussion and/or vote:

1. Does the matter affect the interest more than it affects the majority of people in the area to which the business relates?
For example, if a major development affects the settlement where your sister lives and your sister would be no more affected than anybody else – for example, she lives at the other end of the settlement rather than next door to the development, the answer would be no. If the answer is yes, you then ask:
2. Would a reasonable member of the public knowing all the facts believe that it would affect your judgment of the wider public interest?

This is similar to the test for bias (see *guidance on predetermination and bias in Part 2*) and if the answer is yes to that question then you must not take part in the meeting.

You help to run a food bank and are considering a motion to investigate the causes of poverty. A reasonable member of the public would not think that fact would affect your view of the wider public interest.

You are over 65 and are taking part in a discussion about provisions for older people. You would be more affected than the majority, but a reasonable member of the public would not think that fact would affect your view of the wider public interest.

You are discussing closure of the local authority-run home where your elderly parent lives. A reasonable member of the public would think that fact would affect your view of the wider public interest because of the direct effect on your parent.

What does 'withdraw from the meeting' mean?

When you withdraw from the meeting that means you must not be present in the room during the discussion or vote on the matter. If the public are allowed to speak at the meeting then you would be granted the same speaking rights as the public and would need to comply with the same rules – for example, giving notice in advance or abiding by time limits. However, unlike the public you would then withdraw once you had spoken.

This would be true at a committee meeting, for example, even if you are not a member of the committee but are simply attending as a member of the public. By staying in the room, even though you are not permitted to speak or vote, it is a long-held doctrine of case law that a councillor may still influence the decision or might gather information which would help in the furtherance of his or her interest. It is therefore in the public interest that a councillor, after having made any representations, should withdraw from the room, and explain why they are withdrawing.

These rules would apply to virtual meetings as they would to physical meetings. For example, after having spoken you should turn off your microphone and camera and may be moved to a 'virtual waiting room' while the item is discussed.

Executive decisions

Where you are an executive member you should follow the same rules as above when considering a matter collectively – that is you should not take part in the decision where you have an interest applying the same rules as apply to other meetings above.

Where you have delegated decision-making power, you should not exercise that delegation in relation to matters where you have a disclosable pecuniary interest or another type of interest which would debar you from taking part in a meeting. Instead you should ask the executive to take the decision collectively without your participation.

Where you have been delegated non-executive powers under s.236 of the Local Government and Public Housing Act 2007 you should similarly follow this approach and your local authority may need to make that clear in its code if it is using that power.

Dispensations

Wherever you have an interest the code allows you to apply for a dispensation. The Localism Act sets out arrangements for applying for a dispensation where you have a DPI but is silent about dispensations for other types of interest as they are not statutory interests. A similar process should however be set out in your constitution or Dispensation Policy for ORIs and NRIs.

A dispensation must be applied for in writing to the 'Proper Officer' (the monitoring officer or, in the case of a parish council, the clerk) in good time before the relevant meeting and will be considered according to the local authority's scheme of delegation for considering a dispensation. The circumstances whereby a dispensation may be granted are where -

1. It is considered that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
2. It is considered that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
3. That the authority considers that the dispensation is in the interests of persons living in the authority's area.
4. That the authority considers that it is otherwise appropriate to grant a dispensation.

What is a 'sensitive interest'?

There are circumstances set out in the Localism Act where you do not need to put an interest on the public register or declare the nature of an interest at a meeting although you would have to declare in general terms that you have an interest. These are so-called 'sensitive interests'.

An interest will be a sensitive interest if the two following conditions apply: (a) That you have an interest (whether or not a DPI); and

(b) the nature of the interest is such that you and the monitoring officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.

Where it is decided that an interest is a “sensitive interest” you must inform the monitoring officer of the interest so that a record is kept but it will be excluded from published versions of the register. The monitoring officer may state on the register that the member has an interest the details of which are excluded under that particular section.

Where the sensitive interest crops up in a meeting the usual rules relating to declaration will apply except that you will only be required to disclose that you hold an interest in the matter under discussion but do not have to say what that interest is. The Localism Act sets out the scheme where the DPI is a sensitive interest. Your local authority procedures should allow for similar arrangements for other registerable or declarable interests.

For example, if your sister has been subject to domestic violence such that the perpetrator has been served with a Domestic Violence Protection Order you would not be expected to disclose your sister’s address to a meeting.

What do I do if I need advice?

If you are unsure as to whether you have an interest to declare you should always seek advice from the monitoring officer (or the clerk if you are a parish councillor).

The Golden Rule is be safe –seek advice if in doubt before you act.

No.	TYPE	SPEAK*	VOTE	STAY	EXAMPLE	COMMENTS
1	DPI	N	N	N	Awarding a contract to your own company Planning application for your property Resident parking zone includes your house	<i>Directly relates to DPI-foreseeable-narrow-criminal</i>
2a	ORI	If public allowed to	N	N	Awarding/withdrawing grant funding to a body of which you are a member e.g. village hall Granting planning permission to a body of which you are a member	<i>Directly relates to finances-foreseeable-narrow-can “address” meeting if public can do, but not take part in discussion.</i>
2b	ORI	Test	Test	Test	Awarding grant funding to a body other than the body of which you are a member e.g. competitor to village hall	<i>Affects finances or wellbeing-test (1) greater than majority of inhabitants and (2) reasonable public-affect view of public interest</i>
3a	NRI	If public allowed to	N	N	Determining an application submitted by your sister or your neighbour for a dog breeding licence Partner with free parking permit and policy review decision to be made Councillor objects in private capacity to neighbours planning application cannot sit on PC as statutory consultee	<i>Directly relates to finances of you, partner (not a DPI)-a relative or close associate-Unforeseeable- can “address” meeting if public can do, but not take part in discussion.</i>
3b	NRI	Test	Test	Test	Application for housing development on land near to partners business property Your neighbour applies for planning permission	<i>Affects finances or well-being-test 1) greater than majority of inhabitants and (2) reasonable public-affect view of public interest</i>

2b/3b	NRI	Test	Test	Test	Road works noise outside your house Odours from nearby refuse tip ASB from rough sleepers housed in B+B's nearby	<i>May not affect finances but Well-being=quality of life – apply 2-stage test</i>
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*speak-take part in discussion, as opposed to addressing a public meeting as a member of the public where others can also address the meeting

Proximity in personal relationship and in physical proximity are often important factors in determining ability to speak and/or vote.

Bias and Predetermination

Bias and predetermination are not explicitly mentioned in the Code of Conduct. The code provisions on declarations of interest are about ensuring you do not take decisions where you or those close to you stand to lose or gain improperly. **(See guidance on declarations of interest in Part 2)**. [<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#part-2-general-obligations-under-the-code-of-conduct>]

There is however a separate concept in law dealing with bias and predetermination which exists to ensure that decisions are taken solely in the public interest rather than to further private interests.

Both the courts and legislation recognise that elected councillors are entitled, and indeed expected, to have and to have expressed their views on a subject to be decided upon by the local authority. In law, there is no pretence that such democratically accountable decision-makers are intended to be independent and impartial as if they were judges or quasi-judges.

Nonetheless, decisions of public authorities do involve consideration of circumstances where a decision-maker must not act in a way that goes to the appearance of having a closed mind and pre-determining a decision before they have all of the evidence before them and where they have to act fairly. Breaches of the rules of natural justice in these circumstances have and do continue to result in decisions of local authorities being successfully challenged in the courts. These issues are complex, and advice should be sought and given in the various situations that come up, which is why there are no direct paragraphs of the code covering this, although it does overlap with the rules on declarations of interest.

While declaring interests will to some extent deal with issues of bias, there will still be areas where a formal declaration is not required under the Code of Conduct, but councillors need to be clear that they are not biased or predetermined going into the decision-making process. Otherwise the decision is at risk of being challenged on appeal or in the Courts. To quote a leading judgment in this field "All councillors elected to serve on local councils have to be scrupulous in their duties, search their consciences and consider carefully the propriety of attending meetings and taking part in decisions which may give rise to an appearance of bias even though their actions are above reproach." ^[1] [\[#_ftn1\]](#)

The rules against bias say that there are three distinct elements.

The first seeks accuracy in public decision-making.

The second seeks the absence of prejudice or partiality on the part of you as the decision-maker. An accurate decision is more likely to be achieved by a decision-maker who is in fact impartial or disinterested in the outcome of the decision and who puts aside any personal strong feelings they may have had in advance of making the decision.

The third requirement is for public confidence in the decision-making process. Even though the decision-maker may in fact be scrupulously impartial, the appearance of bias can itself call into question the legitimacy of the decision-making process. In general, the rule against bias looks to the appearance or risk of bias rather than bias in fact, in order to ensure that justice should not only be done but should manifestly and undoubtedly be seen to be done.

To varying degrees, these "requirements" might be seen to provide the rationales behind what are generally taken to be three separate rules against bias: "automatic" (or "presumed") bias, "actual" bias, and "apparent" bias.

^[1] [\[#_ftnref1\]](#) Kelton v Wiltshire Council [2015] EWHC 2853 (Admin)

The rationale behind "automatic" or "presumed" bias appears to be that in certain situations (such as if you have a pecuniary or proprietary interest in the outcome of the proceedings) then it must be presumed that you are incapable of impartiality. Since a motive for bias is thought to be so obvious in such cases, the decisions are not allowed to stand even though no investigation is

made into whether the decision-maker was biased *in fact*. In these circumstances you should not participate in the discussion or vote on the issue. These are covered by the code's requirement to declare certain interests and withdraw from participation. (**see guidance on declaration of interests in Part 3**). [<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest>]

A single councillor who is guilty of bias is enough to strike out the whole decision when challenged before the courts. This can cause huge cost and reputational damage for the local authority yet is seldom due to actual corruption or even consciously favouring a personal interest over the public interest on the part of the councillor involved and may have no repercussions for them personally.

Predetermination

The Localism Act 2011 has enshrined the rules relating to pre-disposition and predetermination into statute. In essence you are not taken to have had, or appeared to have had, a closed mind when making a decision just because you have previously done anything that directly or indirectly indicated what view you may take in relation to a matter and that matter was relevant to the decision.

Predetermination at a meeting can be manifested in a number of ways. It is not just about what you might say, for example, but it may be shown by body language, tone of voice or overly-hostile lines of questioning for example.

You are therefore entitled to have a predisposition one way or another as long as you have not pre-determined the outcome. You are able to express an opinion providing that you come to the relevant meeting with an open mind and demonstrate that to the meeting by your behaviour, able to take account of all of the evidence and make your decision on the day.

How can bias or predetermination arise?

The following are some of the potential situations in which predetermination or bias could arise.

Connection with someone affected by a decision

This sort of bias particularly concerns administrative decision-making, where the authority must take a decision which involves balancing the interests of people with opposing views. It is based on the belief that the decision-making body cannot make an unbiased decision, or a decision which objectively looks impartial, if a councillor serving on it is closely connected with one of the parties involved.

Examples

The complaint alleged that a councillor had behaved in a disrespectful and harassing manner towards two fellow female councillors and officers. It was established that the councillor had made unwarranted and inappropriate physical contact with the councillors and officers at an official event and had also made remarks towards the officers which were patronising and demeaning. The councillor was found to be in breach of the Code of Conduct.

A district councillor also belongs to a parish council that has complained about the conduct of an officer of the district council. As a result of the complaint the officer has been disciplined. The officer has appealed to a councillor panel and the councillor seeks to sit on the panel hearing the appeal. The councillor should not participate.

Contrast this with:

The complaint about the officer described above is made by the local office of a national charity of which the councillor is an ordinary member and is not involved with the local office. The councillor should be able to participate in this situation because the matter is not concerned with the promotion of the interests of the charity.

Improper involvement of someone with an interest in the outcome

This sort of bias involves someone who has, or appears to have, inappropriate influence in the decision being made by someone else. It is inappropriate because they have a vested interest in the decision.

Examples

A local authority receives an application to modify the Definitive Map of public rights of way. A panel of councillors are given delegated authority to make the statutory modification Order. They have a private meeting with local representatives of a footpath organisation before deciding whether the Order should be made. However, they do not give the same opportunity to people with opposing interests.

Prior involvement

This sort of bias arises because someone is being asked to make a decision about an issue which they have previously been involved with. This may be a problem if the second decision is a formal appeal from the first decision, so that someone is hearing an appeal from their own decision. However, if it is just a case of the person in question being required to reconsider a matter in the light of new evidence or representations, it is unlikely to be unlawful for them to participate.

Commenting before a decision is made

Once a lobby group or advisory body has commented on a matter or application, it is likely that a councillor involved with that body will still be able to take part in making a decision about it. But this is as long as they do not give the appearance of being bound only by the views of that body. If the councillor makes comments which make it clear that they have already made up their mind, they may not take part in the decision.

If the councillor is merely seeking to lobby a public meeting at which the decision is taking place but will not themselves be involved in making the decision, then they are not prevented by the principles of predetermination or bias from doing so. Unlike private lobbying, there is no particular reason why the fact that councillors can address a public meeting in the same way as the public should lead to successful legal challenges.

Examples

A local authority appoints a barrister to hold a public inquiry into an application to register a village green. The barrister produces a report where he recommends that the application is rejected. A councillor attends a meeting in one of the affected wards and says publicly: "speaking for myself I am inclined to go along with the barrister's recommendation". He later participates in the local authority's decision to accept the barrister's recommendation. At the meeting the supporters of the application are given an opportunity to argue that the recommendation should not be accepted.

This is unlikely to give rise to a successful claim of predetermination or bias. The statement made by the councillor only suggests a predisposition to follow the recommendation of the barrister's report, and not that he has closed his mind to all possibilities. The subsequent conduct of the meeting, where supporters of the application could try and persuade councillors to disagree with the recommendation, would confirm this.

A developer entered into negotiations to acquire some surplus local authority land for an incinerator. Planning permission for the incinerator had already been granted. Following local elections there is a change in the composition and political control of the local authority. After pressure from new councillors who have campaigned against the incinerator and a full debate, the local authority's executive decides to end the negotiations. This is on the grounds that the land is needed for housing and employment uses.

The local authority's decision is unlikely to be found to be biased, so long as the eventual decision was taken on proper grounds and after a full consideration of all the relevant issues.

What do I do if I need advice?

If you are unsure as to whether your views or any action you have previously taken may amount to predetermination you should always seek advice from the monitoring officer (or the clerk if you are a parish councillor).

The Golden Rule is be safe –seek advice if in doubt before you act.

Appendix 1 - Interests Flowchart

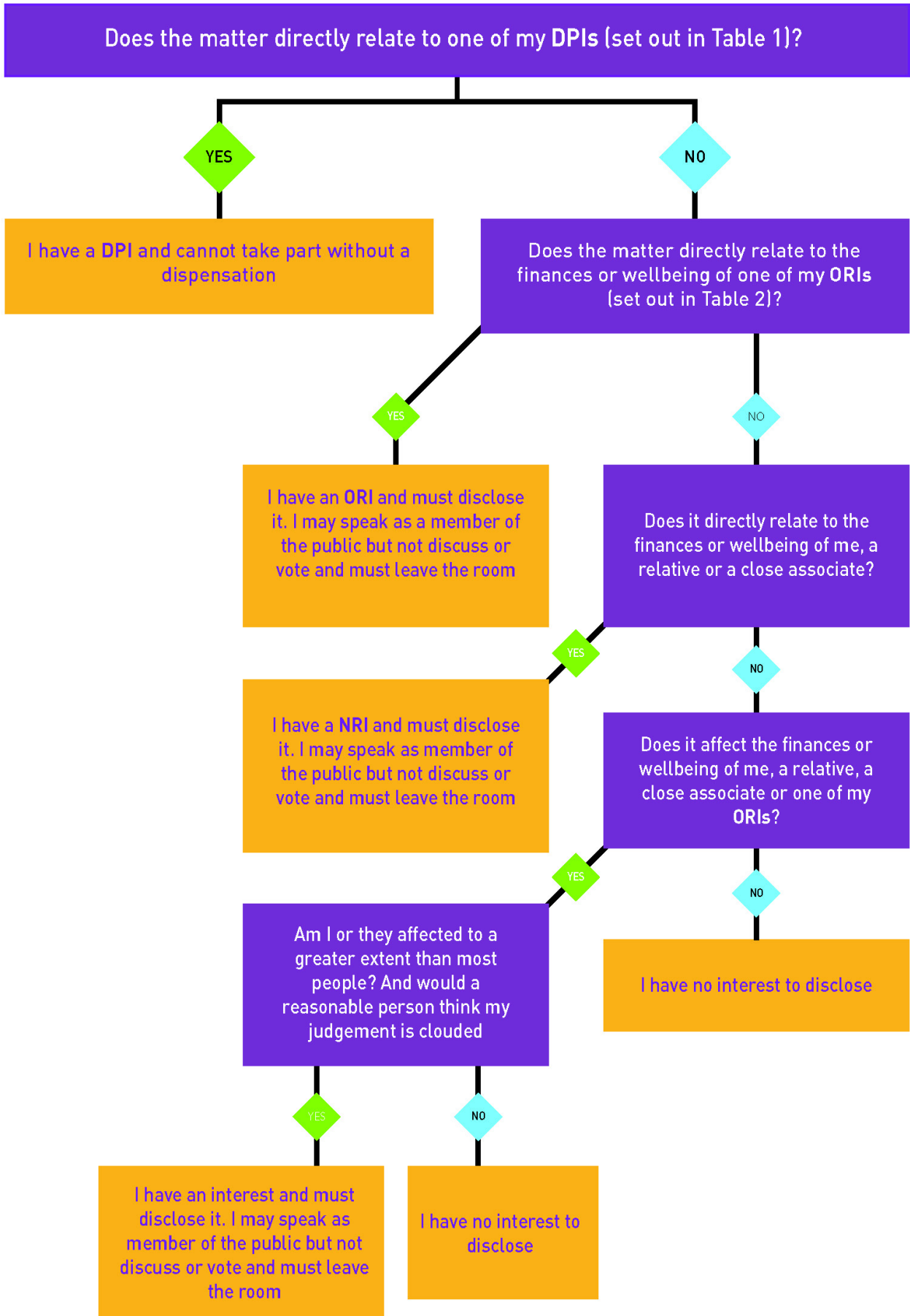
Interests Flowchart

The flowchart below gives a simple guide to declaring an interest under the code.

Appendix 2 - General Principles

General Principles

The Seven Principles of Public Life (also known as the Nolan Principles) outline the ethical standards those working in the public sector are expected to adhere to. The principles apply to all public office holders at all levels including ministers, civil servants, councillors, and local authority officers, as well as private and voluntary organisations delivering services paid for by public funds. The principles are:



These principles underpin the standards that councillors should uphold and form the basis for the Code of Conduct, where the Principles have been translated into a series of clear rules. While fundamental to the Code of Conduct the principles are not part of the rules of the code and should be used for guidance and interpretation only.

APPENDIX C

Equality Impact Assessment (EIA) Initial Screening Form



Screening determines whether the policy has any relevance for equality, ie is there any impact on one or more of the 9 protected characteristics as defined by the Equality Act 2010.

These are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief (including lack of belief)
- Sex
- Sexual orientation

1. Policy/service/function title	Code of Conduct for Councillors
2. Lead officer (responsible for the policy/service/function)	Emily Yule – Assistant Director for Law & Governance and Monitoring Officer
3. Is this a new or existing policy/service/function?	Update to existing code of conduct
4. What exactly is proposed? (Describe the policy/service/ function and the changes that are being planned?)	Adoption of the new national code of conduct for councillors to replace the current local code
5. Why? (Give reasons why these changes are being introduced)	To comply with the recommendations of the Committee on Standards in Public Life
6. How will it be implemented? (Describe the decision making process, timescales, process for implementation)	Joint Audit and Standards Committee – 24 January 2022 Full Council meetings – 21 & 22 March 2022 New code would be effective from the Annual Council meetings in May 2022

7. Is there potential for differential impact (negative or positive) on any of the protected characteristics?	No The new code should continue to have a positive impact on all of the protected characteristics as it enhances the provision for promoting equality and preventing unlawful discrimination.
8. Is there the possibility of discriminating unlawfully , directly or indirectly, against people from any protected characteristic?	No
9. Could there be an effect on relations between certain groups ?	No
10. Does the policy explicitly involve, or focus on a particular equalities group , i.e. because they have particular needs?	No
<p>If the answers are 'no' to questions 7-10 then there is no need to proceed to a full impact assessment and this form should then be signed off as appropriate.</p> <p>If 'yes' then a full impact assessment must be completed.</p>	
<p>Authors signature <i>E. Yule</i></p> <p>Date of completion 07/01/2022</p>	

Any queries concerning the completion of this form should be addressed to the Equality and Diversity Lead.

* Public sector duty does not apply to marriage and civil partnership.

Agenda Item 10

MID SUFFOLK DISTRICT COUNCIL

TO: COUNCIL	REPORT NUMBER: MC/21/32
FROM: Leader of the Council	DATE OF MEETING: 21 March 2022
OFFICER: Emily Yule – Assistant Director for Law & Governance	KEY DECISION REF NO. N/A

COMMUNITY GOVERNANCE REVIEW 2022

1. PURPOSE OF REPORT

- 1.1 The Council is asked to consider whether to allow a Community Governance Review (CGR) to take place.
- 1.2 If a review is to be carried out, to delegate the review to the Community Governance Review Working Group (CGRWG) consisting of Councillors Suzie Morley, Sarah Mansel, Penny Otton and John Whitehead, and report its recommendations to the Council.
- 1.3 If a review is to be carried out to approve the attached Terms of Reference.

2. OPTIONS CONSIDERED

- 2.1 The Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government published in 2010 recommends that principal councils should undertake a Review of its area every 10-15 years.
- 2.2 For some areas of the District, a Review has not been undertaken for a considerable time. It is deemed appropriate to undertake a Review of all parishes within the Mid Suffolk District to ensure that there are appropriate local governance arrangements in place throughout the District.

3. RECOMMENDATIONS

- 3.1 That a Community Governance Review be undertaken and the terms of reference at appendix A be agreed.
- 3.2 That the Community Governance Review Working Group is tasked with conducting the review.
- 3.3 That the Community Governance Review Working Group be required to report its findings and recommendations to the full Council for decision.

4. KEY INFORMATION

- 4.1 A community governance review is a legal process that provides an opportunity for principal councils to review and make changes to community governance within their areas. It involves consulting those living in the area and other interested parties and making sure they have a say in how their local communities are represented.
- 4.2 The Review can consider one or more of the following options:
 - 4.2.1 Creating, merging, altering or abolishing parishes.
 - 4.2.2 The naming of parishes and the style of new parishes and the creation of town councils.
 - 4.2.3 The electoral arrangements for parishes (for instance, the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding).
 - 4.2.4 Grouping parishes under a common parish council or de-grouping parishes.
 - 4.2.5 Consider other types of local arrangements, including parish meetings.
- 4.3 The Review cannot:
 - 4.3.1 Change the number of councillors on Mid Suffolk District Council.
 - 4.3.2 Change the amount of money that a parish council raises through your council tax (known as 'precept').

5 LINKS TO CORPORATE PLAN

- 5.1 The Review is linked to the Communities outcomes in the Corporate Plan as an effective Community Governance Structure enables communities to be “engaged in decision making”

6 FINANCIAL IMPLICATIONS

- 6.1 The costs of conducting a CGR must be borne by the District Council however there are limited financial implications associated with this review. The only actual costs of the review are the expenses incurred by undertaking public consultation, i.e., printing and postage. However, officer time will be needed to support the review, estimated at ten full days over the 12-month period. Although the number of hours may increase depending on the outcome of the first consultation. This will be allocated from existing team resources.

7 LEGAL IMPLICATIONS

- 7.1 Failure to conduct this review correctly could result in the Council breaching its statutory duties under the Local Government and Public Involvement in Health Act 2007. If, at the conclusion of the review, the Council decides to alter any parish boundary or electoral arrangements a Community Governance Order will need to be made to effect the change. This order will be drafted by the Council's legal team.

8 RISK MANAGEMENT

8.1 This report is not linked with any of the Council's Corporate/Significant Business Risks.

Risk Description	Likelihood	Impact	Mitigation Measures
If the Council does not undertake the review it could be in breach of its statutory responsibilities.	1 – Highly Unlikely	2 – Noticeable	Report to Council recommends that the review is agreed.
If the review uses inaccurate or incorrect assumptions or electorate projections the recommendations may not be future-proofed or fit for purpose.	2 – Unlikely	2 – Noticeable	The first stage of the review is a desktop exercise to gather and test relevant data.
If the review does not take into account, the views of local communities they may become disengaged and disappointed with the Council.	2 – Unlikely	2 – Noticeable	The terms of reference sets out the proposals for consultation. The Council must demonstrate how it has taken into account the views of consultees.

9 CONSULTATIONS

9.1 Formal communication will be sent to all Parish and Town Council, Parish Meetings and Community Groups explaining the review and asking for submissions. The District Council is also required to undertake two rounds of consultation during the review as outlined in the terms of reference.

10 EQUALITY ANALYSIS

10.1 The CGRWG will consider any equality impacts when formulating its recommendations. A full Equality Impact Assessment will be undertaken, and presented to Council, if any of the protected grounds may be affected as a result of the CGRWG's final recommendations.

11 ENVIRONMENTAL IMPLICATIONS

11.1 There are no Environmental Implications.

12 APPENDICES

Title	Location
(a) Terms of Reference	Attached

13 REPORT AUTHOR

Edward McCreadie, Corporate Manager - Electoral Services and Land Charges

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Terms of Reference Community Governance Review Local Government and Public Involvement in Health Act 2007 Terms of Reference

1. Introduction What is a Community Governance Review?

A Community Governance Review is a review of the whole or part of the council's area to consider one or more of the following:

- creating, merging, altering or abolishing parishes
- the naming of parishes and the style of new parishes
- the electoral arrangements for parishes (the ordinary year of election, council size (the number of councillors to be elected to council), and parish warding); and
- grouping parishes under a common parish council or de-grouping parishes other types of local arrangements, including parish meetings

A Community Governance Review is required must consider:

- the impact of community governance arrangements on community cohesions
- the size, population and boundaries of a local community or parish.

The council is required to ensure that community governance within the area under review will:

- be reflective of the identities and interests of the community in that area and
- be effective and convenient

If the council is satisfied that the recommendation of a Community Governance Review would ensure that community governance within the area under review will reflect the identities and interests of the community in that area, and is effective and convenient, the council makes a Community Governance Order.

2. Why is the Council carrying out this Community Governance Review?

The council is required to keep its area under review every 10-15 years.

Following a number of requests from Parishes for a Review, it was deemed appropriate to undertake a Review of the whole principal council area, rather than dealing with review requests piecemeal.

A Community Governance Review offers an opportunity to put in place strong, clearly defined boundaries, tied to firm ground features, and remove the many anomalous parish boundaries that may exist.

3. Scope of the Review

The Review will consider any Community Governance Review requests received following publication of the Terms of Reference.

4. Consultation How the Council proposes to conduct consultations during the Review?

Before making any recommendations or publishing final proposals, the council must consult local government electors for the area under review and any other person or body (including a local authority) which appears to the council to have an interest in the review.

The council will therefore:

- publish a Notice and these Terms of Reference on the council's website and arrange for copies to be available for public inspection
- send a copy of the Notice and these Terms of Reference to all parish clerks
- seek to arrange for the notice to be published on parish council websites and notice boards; and
- send a copy of the Notice and these Terms of Reference to all local Members of Parliament Before making any recommendations, the council will take account of any representations received.

The council will publish its recommendations as soon as practicable and take such steps as it considers sufficient to ensure that persons who may be interested in the Community Governance Review are informed of the recommendations and the reasons behind them.

The council will notify each consultee and any other persons or bodies who have made written representations of the outcome of the Review.

5. Timetable for the Community Governance Review

The council must complete a Community Governance Review within twelve months from the day on which the Council publishes the Terms of Reference.

A Community Governance Review is concluded on the day on which the Council publishes the recommendations made by the Community Governance Review.

Timetable

Action	Timeline	Details
Report to Full Council	March 2022	Council approves the principle of the Community Governance Review and its Terms of Reference
Publish Terms of Reference	March 2022 (The CGR must be completed within 12 months of the date of publication)	Publish Terms of Reference and notify stakeholders of the commencement of the Review.
Prepare draft consultation document and invite initial submissions	April to May 2022	Initial submissions invited: <ul style="list-style-type: none"> • Town and Parish Councils • Members of Parliament • Local Groups and Interested Parties such as local businesses, local residents' associations, local public and voluntary organisations such as schools or health bodies <p>Publish proposals on Lichfield District Council website</p>
Consider submissions	May 2022	Consider any submissions/representations and prepare report of draft recommendations for Full Council in July 2022
Publish draft recommendations	July 2022 to September 2022 (10 weeks)	Publish draft recommendations for further consultation with: <ul style="list-style-type: none"> • All local government electors • All town and parish councils <p>Local groups and interested parties</p> <p>Publish draft recommendations on Council website.</p>
Make final recommendations	Oct 2022 Full Council meeting	Consider any further submissions/representations and prepare final recommendations for report to Full Council
Publish final recommendations	November 2022	Publish final recommendations and make Order.

Notice of a Community Governance Review Local Government and Public Involvement in Health Act 2007

Mid Suffolk District Council is undertaking a Community Governance Review of the civil parishes within the area to enable the Council to consider if any changes are needed to the current parish arrangements.

The council is conducting the first stage of the Review process and is inviting residents and interested organisations to submit their views on existing arrangements, together with any proposals for change, from 1 February 2022 to 25 April 2022.

The council has published its Terms of Reference for the Review and a copy can be viewed and downloaded from the Council's website or obtained by contacting the Governance team as shown below. Should you wish to submit a written representation regarding this review please complete the online submission form which also allows you to upload any supporting papers.

Alternatively, you can email Elections@baberghmidsuffolk.gov.uk

The dates for submissions for the first stage are from 1 February 2022 to 25 April 2022.

Agenda Item 11

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

TO: MSDC COUNCIL BDC COUNCIL	REPORT NUMBER: MC/21/33
FROM: Chief Executive	DATE OF MEETINGS: 21 March 2022 22 March 2022

DESIGNATION OF THE SECTION 151 OFFICER ROLE

1. Purpose of Report

Section 151 of the Local Government Act 1972 places a legal requirement on the Council to have a Section 151 Officer in place. The purpose of this report is to approve the designation of the Section 151 Officer for Babergh and Mid Suffolk District Councils.

2. Recommendation

- 2.1 That, having been appointed as the Assistant Director for Resources, Melissa Evans be designated to the statutory role of 'Section 151 Officer' for Babergh and Mid Suffolk District Councils.

3. Financial Implications

- 3.1 None directly arising from this report.

4. Risk Management

- 4.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
It is a statutory duty to appoint a Section 151 Officer to undertake the role as set out in Section 151 of the Local Government Act 1972 and subsequent legislation.	Low	High	Appoint a Section 151 Officer

5. Consultations

- 5.1 Not applicable.

6. Equality Analysis

- 6.1 Not applicable.

7. Key Information

- 7.1 Section 151 of the Local Government Act 1972 requires that every local authority shall make arrangements for the proper administration of their financial affairs and appoint one of their Officers to have responsibility for the administration of those affairs. It places a legal requirement on the Council to have a Section 151 Officer in place.
- 7.2 Formal recruitment to the post began in December 2021, following the announcement that the current S151 Officer, Katherine Steel, was to retire from her post and the Councils on 30th April 2022. It was unanimously agreed to appoint Melissa Evans into this role following a robust recruitment process, which involved the following stages.

Stage One

A technical interview with Rob Bridge (Chief Executive of North Northamptonshire Council and previously a 151 Officer) and a separate one-to-one interview with Kathy Nixon, Strategic Director.

Stage Two

A two day process where candidates went through:

- a stakeholder panel with Directors of Finance from partner agencies and also the chair of two of our company boards;
- a Member panel;
- a panel with the Assistant Directors; and
- a panel with Arthur Charvonia and Kathy Nixon.

Ben Cox, Director of Public Sector Executive Recruitment at Penna was present for all panels throughout the two days.

- 7.3 Melissa Evans has 21 years' experience in local government finance, having held the position of Deputy 151 Officer at Babergh and Mid Suffolk Councils since 2015. Prior to that she was the Deputy Chief Finance Officer at St. Edmundsbury Borough Council & Forest Heath District Council.
- 7.4 Melissa Evans is appropriately qualified to discharge the statutory functions of the Section 151 Officer.
- 7.5 The designation as Section 151 Officer requires the formal agreement of Council.

8. Appendices

None.

9. Background Documents

None.

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Agenda Item 12

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

TO: MSDC Council BDC Council	REPORT NUMBER: MC/21/34
FROM: Leader of the Council	DATE OF MEETINGS: 21 March 2022 22 March 2022
OFFICER: Arthur Charvonia, Chief Executive	KEY DECISION REF NO. N/A

PAY POLICY REPORT

1. PURPOSE OF REPORT

- 1.1 To review the Council's Pay Policy Statement and specifically to consider whether to amend the current pay scales for the Assistant and Strategic Directors.
- 1.2 The Council is legally obliged to review its Pay Policy Statement on an annual basis. It was last reviewed in full by Council in March 2021. No changes were made to the Pay Policy Statement in 2021 (see section 6 below).
- 1.3 The Head of Human Resources & Organisational Development brought a related report to both Councils in September 2021. This report sought to increase the pay scales across the Senior Leadership Team ('SLT').
- 1.4 The report was considered first at Babergh Full Council and the recommendations were not approved; the equivalent report was therefore withdrawn from the Mid Suffolk Full Council meeting. Constitutionally this revised report can be considered now as more than 6 months have elapsed since the previous report was published.
- 1.5 Significant engagement with all Councillors, via political groups has taken place since September 2021 to seek to address the concerns raised. The recommendations in this report have been revised accordingly.

2. OPTIONS CONSIDERED

- 2.1 To enhance the non-financial incentives and rewards for officers rather than increasing pay scales. The Councils are in favour of this approach, as described in section 5 below, however given the Councils' current offer for all employees it is not believed that significantly more can be done in this regard which can sufficiently compensate for the shortfall in senior officer salaries which are available from other local authorities.
- 2.2 The Councils have a 'market forces' policy that they could seek to utilise for vacancies within the SLT. Given the more fundamental issues highlighted in Appendix B, across all members of SLT, it is not considered appropriate, effective or sustainable to seek to address the challenge in this way.

3. RECOMMENDATIONS

- 3.1 That the salary for the Assistant Directors should be set at £78,000 to £90,000 with a scale of 5 points (£78,000, £81,000, £84,000, £87,000, and £90,000)
- 3.2 That the salary for the Strategic Director should be set at £100,000 to £120,000 with a scale of 5 points (£100,000, £105,000, £110,000, £115,000 and £120,000)
- 3.3 That the Head of Paid Service be asked to review again the job titles 'Assistant Director' and 'Strategic Director' to determine whether these should be amended to more modern titles that better reflect the nature of the roles, and in line with job titles adopted by other Councils for similar roles.
- 3.4 That, subject to approval of recommendations 3.1 and 3.2, it be noted that the Head of Paid Service will commission a review of pay across the whole workforce, as set out in paragraph 5.3; to be completed before 31 March 2023.
- 3.5 That it be noted, in line with paragraph 5.4, that the Head of Paid Service will commission a review of the pay progression policy for SLT during 2022.
- 3.6 That the Pay Policy Statement (Appendix C) be approved subject to any consequential amendments arising from the consideration of recommendations 3.1 to 3.3 being incorporated.
- 3.7 Although the Council's Pay Policy Statement is already reviewed on an annual basis it is recommended that SLT's pay scales be reviewed in detail at least every 4 years.

REASON FOR DECISION

Revisions to the Councils' Pay Policy Statement and pay bands for senior officers are proposed in order to strike an appropriate and effective balance between providing adequate salaries for senior officers to secure and retain high quality employees, whilst at the same time recognising that this is public money.

4. BACKGROUND

- 4.1 With the support of Councillors, the Chief Executive has made incremental changes to the structure of SLT over the last 5 years.
- 4.2 These changes have involved the removal of previous reliance on, and significant costs of, interim / consultant support within SLT; and the deletion of the Deputy Chief Executive and one of the Strategic Director roles.
- 4.3 The Assistant Director roles have also been reconfigured to create more dedicated resources, aligned to the Councils' strategic priorities, for Economic Growth, Planning, Environment, Communities & Wellbeing and Customers & Digital Services.
- 4.4 The current structure chart, including all Corporate Manager roles is attached at Appendix A. It should also be noted that through restructuring in 2019 the importance and role of managers was more formally recognised. The number of Corporate Managers was also reduced by 6 posts to 22. A pay review and job evaluation process for Corporate Managers was completed at that time.

- 4.5 The most recent change to SLT was made in April 2021 with the creation of the Assistant Director for Communities & Wellbeing role. This is a four-way shared role between Babergh and Mid Suffolk, and also both local Clinical Commissioning Groups. Unfortunately, the partners failed to permanently recruit to this role following advertisement in Spring 2021. The role is currently filled on an interim basis and readvertisement of the permanent role has been paused pending consideration of this report.
- 4.6 As a result of feedback during the recruitment process, in particular with regard to salary levels, the East of England Local Government Association ('EELGA') was commissioned to carry out a benchmarking review of our senior leadership salaries and to make recommendations to the Councils. This report and its recommendations are attached at Appendix B.
- 4.7 The Council's Chief Finance Officer (Section 151 Officer) will be retiring on 30th April 2022. As part of a managed transition the Councils have recently recruited to this role, and Council are being asked to appoint the new Assistant Director for Resources as the Council's Section 151 Officer through a separate report to the March 2022 Full Council meeting. In line with the current salary scales and Pay Policy Statement, which includes an additional payment for the statutory role of the section 151 officer, the role was advertised at a salary up to £88,000.
- 4.8 Penna recruitment consultants were commissioned to support the Councils with the candidate search and recruitment process. Based upon their recent experience supporting Babergh and Mid Suffolk they have confirmed that:

"The Councils have a strong and different offer in the local government market. This is characterised by the scale and history of joint working by the Councils which is rare and potentially attractive to candidates who are looking to progress and develop their careers.

However, this is a double edge sword as candidates have seen such similar arrangements elsewhere in the country fold recently. In addition, candidates recognise that working for two councils will require extra demands, skills and complexity which they expect to see 'priced-in' to the job. Where Babergh and Mid Suffolk pay similar or lower salaries than other 'single' councils then in a buoyant jobs market the Councils have and will continue to struggle to attract suitable candidates.

This is true of the recent appointment of the Assistant Director of Resources. On this occasion the Councils' development and succession planning has ensured that it was possible to appoint a highly credible and capable internal candidate who would be highly sought over as a Section 151 Officer in any District or Borough Council. However, the recruitment search failed to attract the number of suitable / appointable candidates that we would usually expect or want to attract. In this case the Councils would not have attracted more candidates or existing Section 151 Officers from elsewhere unless there was an ability to increase the salary offer to nearer £100,000."

5. REWARD & RECOGNITION

- 5.1 The Councils' approach to reward and recognition is much broader than just levels of pay. The Councils' have developed a wide package and culture of support, development, wellbeing, working environment, flexibility, agile working, values and behaviours that combined has helped attract, recruit and retain officers.

This has previously enabled the Councils to recruit excellent officers whose skills and leadership have made a significant difference to the delivery of Councillors' political priorities and outcomes for local residents. Many other organisations in the public and private sector have however now adopted similar approaches as a result of the pandemic. The Councils are operating in an increasingly competitive market with officers able to further their local government careers anywhere else in the country.

- 5.2 Unlike other positions within the Council, which can and have been re-graded within the existing pay structures, the pay scales for Assistant and Strategic Directors have not been reviewed since 2011. The Council's Pay Policy Statement is clear that, "*In the context of managing scarce public resources, remuneration at all levels needs to be adequate to secure and retain high quality employees, but at the same time needs to recognise that this is public money.*" EELGA's report highlights that salaries for senior officers at Babergh and Mid Suffolk have become increasingly uncompetitive.
- 5.3 If the recommendations are approved by Council, then the Chief Executive intends to immediately commission a wider review of pay across the whole of the Council. Implementing the draft recommendations will create the 'headroom' within the Council's pay scales to be able to make any subsequent changes. For example, this will create a gap between the top of the existing Corporate Manager pay scale and the bottom of the revised Assistant Director pay scale. Although the pay levels for Corporate Managers were reviewed in 2019, the recommendations will create the flexibility to adjust pay scales for Corporate Managers and all other staff, both in terms of recruitment and retention, if required.
- 5.4 Council should note that in parallel, the Chief Executive intends to commission a review of the pay progression arrangements for SLT, and then consider whether it is possible and appropriate to extend any changes for all officers. Currently officers are unable to progress up their pay scale where there is poor performance. The review will consider strengthening that policy so that officers only progress up their pay scale as a result of good performance rather than just satisfactory performance.

6. PAY POLICY

- 6.1 The Councils' Pay Policy Statement is reviewed, as required by section 38(1) of the Localism Act 2011, on an annual basis. It was last reviewed by Council in March 2021. Babergh and Mid Suffolk District Councils have a single organisational structure with harmonised pay, grades, terms and conditions of service and have a single pay policy statement which covers both Councils.
- 6.2 No changes were made to the Pay Policy Statement in 2021. The risk section of the Council report however highlighted that "We have been advised by an LGA pay consultant that the current senior manager pay levels are lower than similar councils. We will therefore need to keep this under review."
- 6.3 The Pay Policy Statement sets out:
 - a) The level and elements of remuneration for each chief officer
 - b) The remuneration of the Councils' lowest paid employees
 - c) The relationship between the remuneration of the Councils' chief officers and other officers

d) Other specific aspects of chief officers' remuneration, use of performance related pay and bonuses, termination payments and transparency.

- 6.4 The Chief Executive's post was last evaluated nearly 6 years ago ahead of the recruitment of the current Chief Executive. The Assistant and Strategic Director roles have not been re-evaluated since the Councils began working together over 10 years ago.
- 6.5 The Pay Policy Statement specifies that the Chief Executive's salary will "normally be no greater than 8 times the full time equivalent ('FTE') salary range of a grade 1 'green book' employee. This is well within the recommended multiplier of no more than 12 times the lowest paid employee". The Councils' lowest paid employee's salary is £18,333.
- 6.6 The Pay Policy also contains similar ratios for the Strategic and Assistant Directors. These are respectively normally no greater than 7 times and 5 times the FTE salary range of a Grade 1 'Green Book' employee.
- 6.7 If recommendation 3.2 is approved then the top of the Strategic Director's salary band would be 6.5 times that of our lowest paid employee.
- 6.8 If recommendation 3.1 is approved then the top of the Assistant Director's salary band would be 4.9 times that of our lowest paid employee.

7. REVISED PAY SCALES

- 7.1 The recommendations, and reasons for them, are set out in detail within the attached EELGA report. The pay band recommendations have been developed in line with the Councils' Pay Policy of being "*adequate to secure and retain high quality employees, but at the same time needs to recognise that this is public money*".
- 7.2 EELGA recommend that the pay bands for the Assistant Directors, Strategic Director and Chief Executive be increased and simplified so that there are just three salary points within each band.
- 7.3 There is also a further simplification proposed which would amalgamate the additional payment currently made to two statutory officers (Chief Finance Officer and Monitoring Officer) into their base salary.
- 7.4 EELGA's recommendations are:
- that the salary for the Assistant Directors should be set at £78,000 to £90,000 with a scale of 3 points (£78,000, £84,000, and £90,000).
 - that the salary for the Strategic Director should be set at £100,000 to £120,000 with a scale of 3 points (£100,000, £110,000, and £120,000).
 - that the salary for the Chief Executive should be set at £140,000 to £160,000, with a scale of 3 points (£140,000, 150,000 and £160,000).
- 7.5 There has been further discussion of EELGA's proposals since they were originally published as part of the Council's meeting in September 2021. As a result, the recommendations have been amended, as set out in 3.1 to 3.7 above.

- 7.6 It is important to consider and address all of the EELGA recommendations so that the Council does not potentially store up a problem for the future; and in order to address retention as well as recruitment. However, the Chief Executive has requested that no changes are made to the salary arrangements for that role as part of this report, and the Leader has proposed that this is managed as a separate review later in 2022.
- 7.7 In order to try to avoid this situation developing again, it is proposed in recommendation 3.7, that alongside the annual review of the Pay Policy there is a detailed review of SLT salary bands at least every 4 years. This will prevent the kinds of timescales described in paragraph 6.4 from re-occurring.

As described above 7.1 the recommendations have been developed in order to be “adequate to secure and retain high quality employees, but at the same time needs to recognise that this is public money”. In relation to this latter point Council will be particularly mindful of the challenges faced by many residents in relation to general increases in the cost of living and the additional strain of energy costs which will impact people from April 2022. Councillors will be aware that the Government and the Council have put in place a variety of measures designed to support the most vulnerable residents.

8. LINKS TO CORPORATE PLAN

- 8.1 It is essential to the leadership and delivery of the Councils’ priorities that the Councils are able to continue to recruit and retain highly skilled and effective senior officers.

9. FINANCIAL IMPLICATIONS

- 9.1 As of January 2022, Babergh and Mid Suffolk jointly employ 579 officers; a full time equivalent of 525 officers. The combined salary budget, including on costs, is £21.2m. In anticipation of this report coming forward, indicative provision was made in the 2022/23 budget, approved by Full Council in February 2022, for the additional costs of implementing recommendations 3.1 and 3.2.
- 9.2 The costs of all officer roles, including those within the senior leadership team, are shared between Babergh and Mid Suffolk Councils. If the recommendations are approved, then those currently below the revised lowest pay band would be uplifted to the new lowest pay point. All other officers would be transferred across to their nearest new pay point. Any future progress within the revised pay bands would remain subject to performance delivery.
- 9.3 The Councils assume on costs of 33% on top of senior salaries. The annual financial impact for each council, including on costs, of implementing the recommendations, over the period 2022/23 to 2026/27 would vary from £5,848 to £18,288.
- 9.4 For the purposes of calculating these figures it has been assumed that the existing officers would progress annually up the revised pay scale until they reach the top of the grade. The salary of the existing Assistant Director, Corporate Resources has been replaced with that of the recent appointment. If there is any staff turnover within SLT during that period then the actual costs may be lower. These figures also assume an implementation date of 1st April 2022.

- 9.5 The cumulative financial impact of implementing the recommendations, again including on costs, between 2022/23 and 2026/27, would be up to £69,023 per council. The table below shows the combined costs for the Councils; each figure needs to be halved to see the impact per council.
- 9.6 Under the current grades incremental progression would take place at a total cost of £19,754 (£9,877 per council) over the 5-year period, so the net impact of the new grades over this same period would be £59,146 per council.

	<u>Existing</u> <u>2021/22</u>	<u>2022/23</u>	<u>2023/24</u>	<u>2024/25</u>	<u>2025/26</u>	<u>2026/27</u>
Total Basic Pay Cost	£ 781,207	£ 790,000	£ 817,500	£ 842,000	£ 863,500	£ 885,000
Basic Pay Increase		£ 8,793	£ 27,500	£ 24,500	£ 21,500	£ 21,500
Cumulative Basic Pay Increase		£ 8,793	£ 36,293	£ 60,793	£ 82,293	£ 103,793
Total Including Oncosts @ 33%	£1,039,005	£1,050,700	£1,087,275	£1,119,860	£1,148,455	£1,177,050
Increase including Oncosts		£ 11,695	£ 36,575	£ 32,585	£ 28,595	£ 28,595
Cumulative Increase		£ 11,695	£ 48,270	£ 80,855	£ 109,450	£ 138,045

10. LEGAL IMPLICATIONS

- 10.1 The recommendations contained within this report, including amendments to the Councils' Pay Policy, are in line with the requirements of the Localism Act 2011.

11. RISK MANAGEMENT

Risk Description	Likelihood	Impact	Mitigation Measures
If the salary ranges for the Chief Officers are set too low to attract suitable candidates or too high, then it could result in failure to recruit, or attract adverse publicity.	Probable - 3	Bad - 3	Adopted amended pay scales for SLT in line with recommendations from EELGA.
If the Councils are unable to recruit to one or more roles within the Senior Leadership Team for a prolonged period then this will impact upon the capacity to deliver key political projects or result in significant additional costs through the use of interims / consultants to fill the roles.	Probable - 3	Bad - 3	Adopted amended pay scales for SLT in line with recommendations from EELGA.
If the pay policy legal framework is not complied with, then it could make any appointments null and void.	Unlikely - 2	Bad - 3	Formal approval required and through annual reviews.
If the pay policy is not applied fairly to all staff, then this could lead to equal pay claims which could also result in successful tribunal claims, leading to reputational damage and costs to the organisation.	Unlikely - 2	Bad - 3	HR involvement to ensure that policy is applied equally.

12. CONSULTATIONS

12.1 Human Resources advice has confirmed that there is no requirement for staff consultation arising from the proposed recommendations. If approved recommendations 3.4 and 3.5 will result in subsequent consultation with relevant staff.

13. EQUALITY ANALYSIS

13.1 Human Resources advice has confirmed that there are no equalities issues arising from the proposed recommendations.

13.2 Under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, the Councils are required to report on their gender pay gap. The gender pay gap report does not have to be approved by Council. The report based on data as of 31 March 2021, with accompanying narrative, will as required be published on both Councils' websites under the transparency requirements before 31 March 2022. As the two Councils are sovereign bodies, a report must be published for each Council, but the combined data is more relevant due to the workforce being fully integrated.

14. ENVIRONMENTAL IMPLICATIONS

14.1 N/A

15. APPENDICES

Title	Location
(a) Structure chart	https://www.babergh.gov.uk/assets/ADMIN/ELT-Structure-Chart.pdf https://www.midsuffolk.gov.uk/assets/ADMIN/ELT-Structure-Chart.pdf
(b) EELGA salary benchmarking review and recommendations	Attached
(c) Pay Policy Statement	Attached

16. BACKGROUND DOCUMENTS

Babergh & Mid Suffolk Councils' 'People Plan'



East of England
Local Government Association

Babergh and Mid Suffolk District Councils pay report

Appendix B

1. Introduction

Babergh and Mid Suffolk councils have a wholly shared staff group but serve both districts as independent sovereign councils. Both councils are ambitious for their “places” and are delivering an ambitious and forward focussed agenda.

The two councils have a widely recognised “brand” and are driven by a strong value set with highly aspirational aims and objectives.

The councils want to attract recruit and retain the very best staff, and this is critical to their success, especially in delivering on their aspirations.

All Councillor workshops, held in May 2021 identified the key challenges across the two districts as:

- Covid
- Economy
- Climate change and bio-diversity
- Planning including responding to the government’s plans to change the National Planning Policy framework
- Housing including Social Housing
- Building safety
- Communities
- Health reforms/new Health landscape
- Future Local Government funding
- Customers (focus and meeting expectations)
- Using data to drive decision making

Since then Suffolk has also been successfully chosen as a pathfinder County Deal area as part of the recently published Levelling Up Whitepaper. The councils will want and need the best possible staff to deliver all these agendas, not just in terms of recruitment but retention too.

2. Recruitment and retention

EELGA has been asked to undertake a job evaluation exercise and pay and grading review for Babergh and Mid Suffolk’s senior leadership team (‘SLT’).

The strong value set, ambitious agenda, and the ability to work at a corporate level across a multimillion pound business undoubtedly makes the two councils an attractive proposition; but the councils are not unique in this regard.

The councils share some challenges but also have their own set of objectives. This adds complexity to the roles that staff undertake especially those at a very senior level. This complexity can attract some staff but equally can provide a disincentive for those who would prefer to work in a single council and perhaps in an urban environment.

The location of the modern offices in Ipswich with good public transport access can also be seen as beneficial.

The current recruitment market is incredibly competitive, given the changes in working practices during Covid, hybrid and agile working means that staff can now choose to work almost anywhere and in any industry, and this presents both opportunities and threats.

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There is the ability to recruit from across wider industry and geographical areas, but also the ability for existing staff to consider roles in other places too, without having to relocate.

The two councils have a good record of recruiting staff when the salaries offered have been competitive and have been less successful when the salaries offered fall short of the market expectations. There is no doubt that salary plays a role when competing for top talent, especially within the public sector.

The region is looking at the drivers and levers that can be used to recruit and retain staff. One particularly worrying trend is that candidate scarcity is creating considerable choice for candidates to pick and choose their new employer with employers needing to respond with modern recruitment practices including engaging with candidates quickly, running a rapid recruitment process, making an offer and providing a contract before candidates are snapped up by competitors. In some cases even where offers have been made and accepted, candidates are being offered other roles. Often they are choosing alternative offers from a number of employers at the same time.

The perception of candidates in terms of the two councils is generally good however as salary levels have fallen behind the market this has and will continue to impede the organisations' ability to recruit staff.

Previously staff have been recruited from within Suffolk, Norfolk and Essex, those being the most easily commutable areas in relation to the two councils. These high quality candidates have been able to make an immediate impact for communities and continue to do so. More recently it has proved difficult to recruit at a senior level.

It is important to understand the current market including pay and reward arrangements across local government in order to ensure that Babergh and Mid Suffolk are able to recruit and retain the key staff required to deliver the two councils' aspirations and objectives and to be the best that they can be for their communities.

There is an issue with the current pay and grading structure within the senior team. The councils' pay policy determines the pay of staff including those at a senior level and relative to that of the lowest paid employee.

A balance must be struck between pay that attracts and retains high calibre staff and good value for the public purse. Recruiting and retaining the very best staff has a direct impact on outcomes, failure to do so will undermine the organisations' ability to deliver for residents. It is especially unhelpful if key roles cannot be filled or become vacant as the loss of key staff will impact on the ability to deliver key outcomes.

There have been particular difficulties for Babergh and Mid Suffolk when seeking to recruit to tier three, Assistant Director posts. A recent example was having been out to recruitment for a new post in spring 2021. The councils knew salaries had fallen behind with AD salaries, so advertised the post at £75k with a note that a pay review was pending. The councils had a good response through LinkedIn messages and on the phone from a range of candidates with the right level of skills. However, a consistent theme soon began to emerge whereby prospective candidates said that they would be taking a £12 - £15k pay cut to take up the post, despite the joint Local Government/Health nature of the position making it attractive. Senior colleagues in local partnerships, who were asked to repost the LinkedIn advert, also said the salary that was being pitched was close to £15k too low. The equivalent level in the CCG is late £80,000s. The councils received 14 applications in response to the job advert. The bulk of the applicants would have made good Corporate Managers but were not of the calibre required to perform the role and indications were that the salary fell short of expectations. As a result this role is currently being fulfilled through the use of an interim. The role was also advertised through LGA, Municipal Journal and Suffolk Jobs Direct, choosing their enhanced recruitment packages. Health colleagues also undertook to advertise through their local NHS networks.

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These recent experiences at Babergh and Mid Suffolk are shared by a number of councils in the region. Most of those councils are reviewing pay and grading for senior posts in response to market pressures and skills shortages.

Skills shortages are becoming increasingly acute, especially in senior and professional areas. A recent report commissioned in the East of England identified skills shortages as a major barrier to delivering their corporate agenda, an increased reliance on interims and consultancy is emerging, however longer term solutions have included market forces supplements and salary increases at senior level to attract and retain key staff.

Typically, interims and consultants will be engaged on a day rate rather than at the substantive salary. Dependent on the role day rates can vary between £500 and £1000 per day, with senior posts usually towards the top end of the range. For a full time, member of staff this can very quickly overtake the annual salary for the post. At £500 per day for 13 weeks (a short term solution) can cost £32,500 and £130,000 for 12 months. At £700 per day for 13 weeks the cost is £45,500 and £182,000 over a full year.

The higher the day rate and the longer the period of time the more it will cost.

3. Job evaluation

The LGA Senior Manager scheme has been used to evaluate SLT roles including the Chief Executive, Strategic Director, and the Assistant Directors (ADs).

For the Assistant Director roles, a series of conventions have been used to reflect features common to all AD roles.

These are:

- ADs are engaged in strategic planning across the entire range of services. Including horizon scanning/planning for future challenges.
- Guidance for their work comes from the Chief Executive/Strategic Director and senior members.
- ADs contribute to corporate policy.
- ADs are responsible for more than one function or service area.
- ADs have internal influence across the departments/services.- Cross cutting themes are common to all roles.
- ADs have influence and responsibilities for external relationships/stakeholders/partners.

Statutory responsibilities (Monitoring Officer and Section 151 officer) have been included in the evaluation.

Whilst all roles are called “Assistant Director” their contribution to the councils may look slightly different, some have a greater corporate role and impact all areas of the council, others have an emphasis on statutory function and other have responsibility for generating income for the council. These responsibilities appear to be different however job evaluation considers all facets of a role and whilst roles score differently for different elements of the role (corporate, statutory, finance, resources etc) job evaluation delivers an overall score taking all of these into account. It is possible to have a similar points value even when roles appear to be quite different. The size/volume of a role is less important, it is the content that drives the scoring. For the senior manager scheme used for senior staff at the two councils the key elements considered are;

- Depth and breadth of knowledge
- Level of challenge and discretion
- Impact on people/organisation including managerial influence and external influencing and
- The responsibility for resources and the size of the budgets managed

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Job evaluation in and of itself does not set pay. It provides a rank order of jobs and a framework for developing pay and reward. Job with a similar point score (usually a band with a span of points) are paid at the same rate even if the roles appear to be quite different. Job evaluation across a whole organisation can compare very different roles but still provide a fair and transparent pay system. This provides fairness and equity and also demonstrates compliance with equal pay legislation.

There is then a pay to grade exercise required to translate the scores into a grading structure. Pay for staff, including senior staff is set locally and is a matter for the two councils. Recommendations for pay are at section 6 of this report.

4. Benchmarking

Early in 2021 EELGA surveyed councils on salary levels at tiers 1 to 4. There are 6 Unitary councils, 5 County Councils and 39 Districts/Boroughs in the East of England, the councils vary in size (geographically and population) and have differing characteristics, e.g., rural/urban mix, proximity to London, Coastal or Port authority responsibilities and differing levels of economic or social challenge. All of these things can influence recruitment and retention and therefore salaries offered.

The national LGA holds data on where shared service arrangements exist and particularly whether this is a wholly shared staff group, a shared senior team or shared functional teams. It is of note that a number of shared arrangements are no longer operational or have been subsumed into mergers of councils. It is believed that there are currently 12 other district / borough shared Chief Executive and management arrangements across England. Not all of these partnerships are the same as, as long standing, or as deeply integrated as Babergh & Mid Suffolk. They will also have different market force pressures according to their own geography, and so do not provide robust direct comparator to Babergh and Mid Suffolk.

There are some issues to consider when benchmarking salaries. Whilst every council must have a Head of Paid Service (usually included in a Chief Executive or Managing Director role) and two statutory officers (Monitoring officer and Section 151 officer) the exact configuration of posts below the Head of Paid Service differs across councils.

The number of officers at tier two; usually called Director and at tier three, variously called Assistant Directors/Heads of Service can be quite different.

The configuration and content of roles at tiers two and three can also be significantly different.

It is unlikely that roles at tiers two and three will have direct comparators at other councils, except for the level at which they operate.

EELGA undertook a review of salaries across the East of England in all 50 councils for tiers 1 to 4.

With regards to salaries between local authority types, as a rule, senior pay is highest in county councils, followed by unitary authorities, followed by district and borough councils. The only exception to this rule is in tier 4, where based on the data collected, staff in unitary are paid on average slightly higher than their county counterparts.

Table 1: Mean Salaries organised by local authority type			
Mean Salary band	District/Borough	Unitary	County
Tier 1	£126,326 – £137,261	£172,985 – £183,119	£179,034 – £187,406
Tier 2	£88,087 – £99,996	£120,271 – £129,473	£125,841 – £154,589
Tier 3	£63,875 – £74,287	£86,828 - £95,306	£90,428 – £106,574
Tier 4	£52,460 – £61,378	£72,998 – £80,066	£65,532 – £79,104

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Looking at the data, there are only slightly different pay levels between districts and boroughs from different county areas.

In tier one, the top end of what candidates can earn is broadly similar across different county areas. However, the minimum they can expect to earn does vary, with Essex and Suffolk offering less generous minimum terms on average. This trend continues in Tier 2, with Suffolk and Essex authorities consistently offering less on average than Cambridgeshire and Norfolk.

In Tier 3, Suffolk and Essex once again has less generous lower bandings. However, while Cambridgeshire remains the highest-paying area for Tier 3 roles, Suffolk, Norfolk, and Hertfordshire remains the lowest paying within tier 3

Mean salary bands	Tier 1	Tier 2	Tier 3	Tier 4
Cambridge shire	£180,369 - £193,667	£124,085 - £136,802	£82,632 - £91,561	£62,885 - £67,787
Essex	£122,503 - £139,608	£83,942 - £99,244	£61,463 - £70,344	£57,978 - £67,950
Norfolk	£131,523 - £137,942	£92,270 - £103,306	£63,759 - £74,466	£49,807 - £59,696
Suffolk	£122,404 - £142,103	£82,036 - £99,418	£58,835 - £76,206	£46,968 - £59,877
Hertfordshire	£122,864 - £129,598	£86,222 - £94,657	£64,523 - £70,979	£52,411 - £58,192
Bedfordshire*	£180,369 - £193,667	£124,085 - £136,802	£82,632 - £91,561	£59,032 - £63,692

4.1 Shared arrangements

To understand how the current market might affect Babergh and Mid Suffolk, EELGA has undertaken benchmarking into pay at Chief Executive, tiers two and three for similar councils for the types of roles that exist in Babergh and Mid Suffolk.

The data that has been used for benchmarking is current published data for councils according to their pay policies and information about role content provided by councils directly to EELGA as part of a research project into senior pay across the region.

The shared arrangement at Babergh & Mid Suffolk creates an additional dimension to roles at a senior level.

Volume alone does not affect pay but the complexity of two sovereign councils with differing political and governance arrangements, different constitutional and organisational demands, place specific political aims

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and objectives, different “places” and differing economic conditions does make a huge difference to senior roles in particular. It is this complexity which demands a very specific set of skills alongside professional competence.

Whilst there are shared services across councils for specific service areas or for individual shared posts, there are no other district/borough in the East of England that have the complexity of the wholly shared arrangement currently in place at Babergh and Mid Suffolk. Only Broadland and South Norfolk have similar arrangements.

Both East Suffolk and West Suffolk previously had this dimension but have now formed single councils from the previous shared arrangements. Breckland and South Holland have recently dissolved their partnership and the shared arrangements between Peterborough and Cambridgeshire County are also now dissolved in part and in any event are not comparable to arrangements at a district level as at Babergh and Mid Suffolk.

Brentwood and Rochford have recently appointed a shared Chief Executive and are in the process of restructuring shared tiers two and three.

East Suffolk and West Suffolk were previously shared arrangements, and the salaries were set when the sharing was in place.

The only other shared arrangement in the East of England is at South Norfolk and Broadland. The shape of the senior teams is quite different in each of East Suffolk, West Suffolk and in Broadland/South Norfolk which makes comparing like with like difficult.

In tier two there are at least two Directors in each case and the title, number and configuration of tier three posts also differ considerably.

Exact numbers are shown below in the table in brackets. Babergh and Mid Suffolk have one of the smallest senior teams and the lowest paid Chief Executive.

Table two

Council	Chief Exec/MD	Directors	ADs (or equivalent)	Total number in senior team
Babergh/Mid Suffolk	£118,767- £138,202	£82,170- £96,804 (1 Director post)	£59,658 to £74,292(9 posts, including 1 post 50% funded by Health) Additional payments for MO, S151 and AD Assets and Investments.	11
Brentwood and Rochford	£140,000 - £160,000	£100,000 - £110,000 (3 posts)	To be determined	
Broadland/South Norfolk	£140,000- £160,000	£80,000- £100,000 (3 Director posts)	£61,200, - £80,999 (8 Assistant Director posts)	12

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East Suffolk	£153,615.	£96,215 - £105,022. (2 Director posts)	£63,956 - £75,080 £77,861 - £88,503 (13 posts - total including two partnership-shared roles)	14 + two shared roles
West Suffolk	£130,000 to £142,500.	£97,500- £106,875 (2 Director posts)	£78,000 -£85,500 (6 posts)	9

4.2 Chief Executive pay

The pay of the Chief Executive essentially provides a “ceiling” and caps the pay of staff at the levels below.

It is often used to determine pay at lower levels within the organisation by expressing senior pay as a percentage of Chief Executive pay which broadly equates to the “weight” of the role.

The Chief Executive pay for districts and boroughs in the region varies significantly. This is related to a number of factors; the size of the council often linked to population size. The complexity of the council; key features such as commercial activity, specific features such as ports/airports or coastal responsibilities and the affordability for the council in relation to market forces at play when the post was last recruited to.

In terms of Chief Executive pay in shared (or previously shared) arrangements Babergh/Mid Suffolk is the lowest and no longer reflects the market. The most recent shared appointment in the region is at Brentwood/Rochford and in line with South Norfolk/Broadland is at £140,000-£160,000.

4.3 Director pay

The single Strategic Director model is unusual in District councils in the region, but some roles still exist in very small councils. There are usually Director roles in addition in the structure at tier two alongside any Deputy Chief Executive (DCE) rather than a standalone post as at Babergh and Mid Suffolk.

Salaries for DCE roles range from £110,000 and a maximum of £125,000. This is currently within the Chief Executive pay band for Babergh and Mid Suffolk.

Director roles in similar sized councils tend to have a higher upper pay point than those at Babergh and Mid Suffolk, typically to around £100,000 to £105,000.

4.4 Assistant Director pay

The AD roles are much more difficult to benchmark as tier three can be very different in each council. The numbers of tier three posts and the organisation of work make direct comparisons difficult.

In some councils tier three roles are wholly operational, especially where there are a larger number of posts at tier two, in others they are more corporate with a balance of cross cutting themes and operational responsibilities. Generally the more corporate the role the higher the salary to reflect the higher level at which they operate.

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In Babergh and Mid Suffolk AD roles, and with a single Director, are more strategic with a corporate focus and responsibility across both councils. They are also more autonomous with direct contact with senior politicians, partners, and stakeholders.

The roles themselves do differ in terms of their job content in functional areas, span of control/size, ability to generate income for the councils and corporate impact. There may be a perception that some roles are bigger than others or that some provide a greater contribution to the councils' objectives. By using an analytical job evaluation approach this enables the roles to be compared using factors and levels specific to senior posts, reflecting these differing impacts. The Senior Manager job evaluation scheme (developed by the LGA for senior roles) was used and the roles were evaluated as being of broadly similar value, therefore the grade for the roles is the same.

The nearest comparators are roles in shared arrangements. There have been difficulties recruiting staff at this level for the two councils and this may in part be due to the fact that Babergh and Mid Suffolk has the lowest starting salary, with a low level at the top of the grade.

The detail of the shared and previously shared arrangements are shown in table two above.

5. Wider pay issues across local government

Recruitment in the public sector usually involves seeking to appoint staff with appropriate knowledge, skills and experience. Whilst some roles can and do lend themselves to recruitment from outside local government /public sector, the need for direct, comparable experience means that council tend to recruit from each other's workforces, this is especially true at a senior level where experience and knowledge of the sector is crucial to success in the role.

The recruitment market generally, and for the public sector, is very buoyant, with opportunities for candidates to choose their employer according to their specific requirements. It is a "candidate's market"; therefore, the employer must be able to make a compelling offer. Salaries are an important factor alongside the attractiveness of the employer's agenda, what a candidate might be able to add to their CV as professional experience and achievements because of joining a specific organisation and of course the overall package that is offered.

In the East of England, the market is becoming increasingly challenging for roles at all levels. In most councils there are recruitment and retention difficulties at senior level, professional roles e.g., in planning, finance etc and more widely across the whole workforce. The issues are raised regularly at Heads of HR and separately at the regional Chief Executive meetings.

A plethora of ad hoc short-term solutions are being used from "grow your own", apprenticeships, interims, consultancy support, golden hellos, market forces supplements and shared service arrangements.

EELGA has been commissioned by it's members to develop a coherent and effective set of solutions for councils in the East of England, including addressing skills shortages and difficulties recruiting and retaining senior staff. This work will not be completed before Autumn 2022.

6. Recommendations on pay and reward

The JNC for Chief Executives and the JNC for Chief Officers have just agreed the 2021/2022 pay award effective from April 2021, this 1.5% uplift will need to be applied to salaries in table 2 above.

Babergh and Mid Suffolk are currently recruiting to a vacant post at AD level. Salary has been a barrier to recruiting the senior staff that are needed to deliver the ambitions and corporate priorities of the two councils.

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The benchmarking exercise has identified that Babergh and Mid Suffolk are some way behind what the market would suggest are the appropriate and necessary levels of pay to recruit and retain staff. The overall pay structure is suppressed by the level of the Chief Executive's salary. In order to address the AD salaries, it will be necessary to deal with both the Chief Executive and Strategic Director salaries in order to create headroom for the AD salaries to be improved. This will also be necessary in order to address pay more widely across the organisation.

There is a balance to be found between ensuring that salaries are adequate to recruit and retain staff but are still good value for the public purse.

If this approach is taken the councils can demonstrate pragmatism and prudence. Appropriate salaries are needed that attract high quality, high performing staff who can make an immediate and on-going contribution to the two councils; whilst at a realistic level to deliver value for local taxpayers.

The recommended levels of pay for the top three tiers of the council are shown below.

6.1 Chief Executive

The salary at West Suffolk is, £130,000 to £142,500. At East Suffolk it is a spot salary of £153,615, it is recommended that the salary for the Chief Executive should be set at the same level as the most recent shared appointments (South Norfolk/Broadland and Brentwood/Rochford) £140,000 to £160,000, with a scale of 3 points (£140,000, 150,000 and £160,000)

6.2 Strategic Director

Salaries for single Director roles are noticeably higher than other Strategic Director roles across the region.

The salary for Director roles (2) at West Suffolk is, £97,500- £106,875 and at East Suffolk (2) it is £96,215 - £105,022. It is recommended that the salary for the Strategic Director should be set at £100,000 to £120,000 with a scale of 3 points (£100,000, £110,000, and £120,000). This recommendation acknowledges the single Director model at Babergh and Mid Suffolk and more accurately reflects the responsibilities of the role.

6.3 Assistant Directors

The salary for Assistant Director roles at West Suffolk is, £78,000 - £85,500 and at East Suffolk it is in two grades of £63,956 - £75,080 and £77,861 - £88,503. Realistically it is the higher grade that is most comparable to the roles at Babergh and Mid Suffolk but even so is slightly below salaries paid elsewhere in the region for roles at tier three.

It is recommended that the salary for the Assistant Directors should be set at £78,000 to £90,000 with a scale of 3 points (£78,000, £84,000, and £90,000).

It is worth noting that EELGA is currently supporting approximately 6 restructures across the region. In all cases tier three is proving the most difficult to recruit to; salaries are being adjusted to aid recruitment in response to the market.

7. Implementation

The implementation date and exact costs of transitioning to the new pay bands needs to be considered and balanced against the immediate need to recruit and affordability.

1. PAY POLICY STATEMENT 2022/23

Requirements

- 1.1 The Councils are required to produce a Pay Policy Statement for each financial year under Section 38 of the Localism Act 2011.
- 1.2 Babergh and Mid Suffolk District Councils have a single organisational structure with harmonised pay, grades, terms and conditions of service and have a single pay policy statement that covers both Councils.
- 1.3 The Localism Act 2011 and supporting guidance provides information and detail on the matters that must be included within this statutory pay policy. However, they also emphasise that each local authority has the autonomy to take its own decisions on pay and pay policies. The Pay Policy Statement must be formally approved by Full Council. The statement must be published on the Councils' websites, and when setting the terms and conditions of those in Chief Officer posts, the policy must be complied with.
- 1.4 In the context of managing scarce public resources, remuneration at all levels needs to be adequate to secure and retain high quality employees, but at the same time needs to recognise that this is public money.
- 1.5 The Pay Policy Statement must include a policy on:
 - Level and elements of remuneration for each chief officer (for the Councils this is defined as Chief Executive, Strategic Director and Assistant Directors)
 - The remuneration of the Councils' lowest paid employees
 - The relationship between the remuneration of the Councils' chief officers and other officers
 - Other specific aspects of chief officers' remuneration, use of performance related pay and bonuses, termination payments and transparency.

Remuneration of Employees Who Are Not Chief Officers

- 1.6 For employees subject to the National Agreement on Pay and Conditions of Service of the National Joint Councils for Local Government Services (commonly known as the 'Green Book'), the Councils currently use a total of 8 pay grades. Posts have been allocated to a pay band through a process of job evaluation.
- 1.7 Each grade has between 2 and 7 increments. The value of the pay increments (known as the 'Spinal Column Points') increases when the Councils are notified of pay awards by the National Joint Council (NJC) for Local Government Services. In addition, the Councils review all pay levels every April to determine who is eligible for incremental progression.

- 1.8 There is also a group of staff on the 'National Agreement on Pay and Conditions of Services for Local Authority Craft and Associated Employees (commonly known as the 'Red Book')'. The Councils use a spot salary payment for this staff group of £29,179.
- 1.9 For the purposes of this Policy Statement, employees on the lowest increment within the Grade 1 pay band are defined as our lowest paid employees. This is because no employee of the Council is paid at an hourly salary level that is lower than this grade. On 31st March 2022, the full time equivalent (FTE) annual value of the lowest increment used within Grade 1 is £18,333. This rate exceeds the National Minimum Wage and the Living Wage set by the Living Wage Foundation. Apprentices are paid £9.41 per hour which is significantly higher than the National Minimum Wage rates for apprentices. This enables the Councils to attract and retain more apprentices.

Remuneration of Chief Officers

- 1.10 The Councils share the following posts, which fall within the definition of 'Chief Officer' for the purposes of this Pay Policy:
- Chief Executive (the Councils' Head of Paid Service)
 - Strategic Director x 1
 - Assistant Directors x 9
- 1.11 The Chief Executive post was evaluated in 2016; the remaining posts were evaluated in 2011 using the Local Government Senior Managers' evaluation scheme. The pay grades for these posts were established following recommendations by an independent Local Government Association (LGA) consultant who drew on current data on salary levels within the sector.
- 1.12 The value of the incremental points (Spinal Column Points) within each of the pay grades will be increased by the pay awards notified from time to time by the Joint Negotiating Committees for Local Authorities.
- 1.13 Chief Executive
- The Chief Executive is the Councils' Head of Paid Service. As of 31 March 2022, the annual full time equivalent (FTE) salary range for the grade of this post is £120,548 to £140,275. There are five incremental points in the grade.
 - It is the Councils' policy that the FTE salary range for the post of Chief Executive will normally be no greater than 8 x the FTE salary range of a Grade 1 'Green Book' employee. This is well within the recommended multiplier of no more than 12 x the lowest paid employee.
 - The Chief Executive also receives a Returning Officer fee in respect of District and Parish Council Elections, and a Deputy Returning Officer fee for County Council elections. Each Council has agreed a scale of fees for this function dependent upon the number of contests at any given election. Fees for conducting UK Parliamentary Elections, Police &

Crime Commissioner Elections and national referenda are determined by way of a Statutory Instrument.

1.14 Strategic Director and Assistant Directors

- The Strategic Director reports to the Chief Executive. The Assistant Directors report to the Strategic Director and the Chief Executive. As of 31 March 2022, the annual FTE range for the Strategic Director grade is £83,403 to £98,256. There are five incremental points in the grade.
- It is the Councils' policy that the FTE salary range for Strategic Directors will normally be no greater than 7 x FTE salary range of a Grade 1 'Green Book' employee. The FTE salary for the Strategic Director does not exceed this range.
- The Assistant Directors report to the Strategic Director and Chief Executive. As of 31 March 2022, the annual FTE salary range for the Assistant Director grade is £60,553 to £75,406. There are five incremental points in this grade.
- It is the Councils' policy that the FTE salary range for the Assistant Director posts will normally be no greater than 5 x the FTE salary range of a Grade 1 'Green Book' employee. The FTE salary for Assistant Directors does not exceed this range.
- The Councils' Monitoring Officer and Section 151 Officer are shared between both councils at Assistant Director grade. In addition, there is an allowance for the Councils' Monitoring Officer and Section 151 Officer for undertaking a statutory officer role across two councils within the range of £8,484 and £12,443 per annum.

General Principles Applying to Remuneration of Chief Officers and Employees

1.15 Recruitment

- On recruitment individuals (including chief officers) will be placed on an appropriate pay increment within the pay grade for the post that they are appointed to. Access to appropriate elements of the Councils' Relocation Scheme may also be granted in certain cases when new starters need to move to the area.

1.16 Pay Increases

- The value of pay increments within the grades may increase because of the Joint Negotiating Committee for Local Authorities negotiating pay rises. Individuals (including chief officers) may also progress within their pay grade. Individuals cannot progress beyond the top increment within their pay grade. Progression arrangements within the grade will be dependent upon competency and performance.

1.17 Termination of Office/Employment

- On ceasing to hold office or be employed by the Councils, individuals (including Chief Officers) will only receive compensation:
 - in circumstances that are relevant (e.g., redundancy)
 - that is in accordance with council policies on how to exercise the various employer discretions provided by the Local Government Pension Scheme (LGPS), and/or
 - that complies with the specific term(s) of a settlement agreement.

1.18 Additional Remuneration

- The Councils pay market supplements to some posts. A policy has been agreed to ensure that these are relevant, appropriate, and regularly reviewed.
- The Councils do not pay honoraria awards.
- The Councils pay Essential and Casual Car User allowances in accordance with agreed policy. Following review in 2019/20 Essential Car User allowances are now only paid to grades 6 and below. The rates for essential car user mileage are based on the rates set by the National Joint Consultative Council for Local Government Services. The Councils only apply the rates up to a 1199cc engine size; and do not pay the 1200cc to 1450cc (i.e., the top band). The rates for casual car user mileage are based on the rates set by HMRC. There are also rates in force for individuals who use their bicycle or motorcycle which are also based on the rates set by HMRC.
- Subsistence allowances that are paid are in accordance with our subsistence policy.
- None of the Councils' employees are paid a bonus or any other performance-related pay.

Gender Pay Gap

- 1.19 Under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, the Councils are required to report on their gender pay gap. The report based on data as of 31 March 2021 has been prepared, and this, with accompanying narrative, will be published on both the Councils' websites under the transparency requirements. The date for reporting is 31 March 2022.
- 1.20 As the two Councils are sovereign bodies, a report must be published for each Council, but the combined data is more relevant due to the workforce being fully integrated. This report does not have to be approved by Council, but when published will be available on each Council's website.

Agenda Item 13

MID SUFFOLK DISTRICT COUNCIL

TO: Council	REPORT NUMBER: MC/21/35
FROM: Chief Executive	DATE OF MEETING: 21 March 2022
OFFICER: Janice Robinson, Deputy Monitoring Officer	

DECISIONS TAKEN BY THE CHIEF EXECUTIVE UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 2 OF THE CONSTITUTION

1. PURPOSE OF REPORT

- 1.1 This report details the decisions taken by the Chief Executive in consultation with the Chair of the Council using his delegated powers.
- 1.2 The Chief Executive is required by the Constitution to report these decisions to Council meetings under Part 2 of the Constitution.

2. RECOMMENDATION

- 2.1 That Council notes the decisions taken under delegated powers by the Chief Executive as detailed in Appendix A.

REASON FOR DECISION

Under Part 2 of the Constitution, Delegations to Officers, Paragraph 7.2 the decision must be reported Council.

3. KEY INFORMATION

- 3.1 Detailed in Appendix A.

4. LINKS TO THE CORPORATE PLAN

- 4.1 N/A

5. FINANCIAL IMPLICATIONS

Detailed in Appendix A.

6. LEGAL IMPLICATIONS

- 6.1 To comply with the Councils Constitution.

7. RISK MANAGEMENT

7.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
That the key decisions in Appendix A taken under delegated powers do not follow the Council's Constitutional Decision process thereby making them unlawful and open to challenge.	Unlikely (2)	Noticeable (2)	To follow the Constitutional decision process

8. CONSULTATIONS

8.1 N/A

9. EQUALITY ANALYSIS

9.1 N/A

10. ENVIRONMENTAL IMPLICATIONS

10.1 N/A

11. APPENDICES

Title	Location
(A) MSDC – List of Decisions taken by the Chief Executive under Delegated Powers	Attached

12. BACKGROUND DOCUMENTS

[Mid Suffolk - Action Out of Meeting - General Powers 8 January 2022 - 22 January 2022](#)

[Mid Suffolk - Action Out of Meeting - General Powers 19 February 2022 - 5 March 2022](#)

DECISIONS TAKEN BY THE CHIEF EXECUTIVE UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 2 OF THE CONSTITUTION

Decision Number	Decision Date	Decision
MSDC - 0019	13.01.2022	That part d of the Planning Protocol be suspended until 28 February 2022 and that the Assistant Director for Sustainable Communities and the Chief Planning Officer be authorised to determine any planning application under delegated authority as they deem reasonable and appropriate. This authorisation will cease earlier if the Development Control Committees are able to meet regularly in person prior to 28 February 2022.
MSDC - 0020	19.01.2022	Dispersal of government covid grant funding for businesses impacted by rising cases of the Omicron variant in December 2021 and January 2022.
MSDC - 0021	02.03.2022	To 'make' (adopt) the Needham Market Neighbourhood Plan as part of the District Council's development plan and to issue a statement to this effect within the prescribed period.
MSDC - 0022	02.03.2022	To 'make' (adopt) the Thorndon Neighbourhood Plan as part of the District Council's development plan and to issue a statement to this effect within the prescribed period.

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