

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, intimidating 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/it's 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 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 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 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.
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 disclose under Disclosable Pecuniary Interests as set out in **Table 1**

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 **affects** your 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 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.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

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. [Any unpaid directorship.]
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 has 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 Registerable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any body of which you are in general control or management and to which you are nominated or appointed by your authority b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body 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)
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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.

MEMBERS AND OFFICERS PROTOCOL

1. Introduction

- 1.1 The conduct of both Members and officers is governed by the Codes of Conduct detailed in Part 5 of the Council's Constitution. The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way that ensures that the Council runs smoothly.
- 1.2 The relationship between Members and Officers is based on the following principles:
- (a) the Council is a democratically-elected local authority delivering a range of services to the people of Dorset;
 - (b) the Council is a single entity;
 - (c) the separate functions of the Council are part of the Council as a corporate body;
 - (d) in everything they do, Members and officers of the Council must act within the law and comply with relevant codes of conduct;
 - (e) dealings between Members and officers are based on mutual trust and respect;
 - (f) the relationship must exist on a professional basis only so that the ability of an officer to deal impartially with Members or political groups cannot be questioned;
 - (g) officers should not approach Members on matters to do with employment matters except as agreed by the Head of Paid Service.
- 1.3 Officers and Members each have their own roles to play in the work of the Council and care should be taken to avoid one encroaching upon the other.

The role of Members

- (a) To provide the political direction and leadership of the Council. Members are accountable through the ballot box for their actions as Members.
- (b) As part of the controlling group to see that services are delivered by officers in accordance with the policies and plans approved by the Council.
- (c) To receive appropriate professional advice from officers and to have that advice recorded, so that all Members are fully aware of the implications of their decisions and have the assurance that their decisions comply with the law.
- (d) To make reasonable comment and ask questions about the Council's decisions and performance both at formal meetings and informally. An officer's seniority and area of responsibility will determine what are reasonable comments and questions.

The role of Officers

- (a) To serve the whole Council as a single corporate body while recognising the differences between the Council's functions.

- (b) To provide wherever practicable, support to all Members in their representational role and act to uphold the rights of Members in law and under this Constitution.
- (c) To take decisions within their area of responsibility which have been delegated and/or nominated to them but recognising that, where functions have not been delegated/nominated to officers, it is the right of Members to take the final decisions in the light of officers' advice.
- (d) To provide factual, honest and objective advice. The advice and the actions officers take should be politically neutral and should serve the interests of the Council as a whole. Officers do not give advice on party political matters.

2. Officer advice to Members and Party Groups

- 2.1 For the proper functioning of the Council as a whole, officers will normally be permitted to share information freely between them.
- 2.2 Where the information has been given on the basis of party political confidentiality:
 - (a) officers will respect that confidentiality unless they believe that any action appears to be in conflict with the law, or would amount to an abuse of the processes of the Council and in those circumstances may share that information with other officers where they believe it to be necessary to check the legality, financial probity or procedural regularity of any action disclosed by that information.
 - (b) The request for party political confidentiality will be honoured by any officers with whom the information is shared.
- 2.3 Where party political confidentiality has been requested, officers may invite those Members requesting confidentiality to agree to the information being shared with the other political groups on the grounds that it would assist the more effective functioning of the Council; however, in the absence of any such agreement to waive confidentiality, officers will continue to respect it.
- 2.4 Where there is a change in the controlling party, officers will act in relation to the new controlling party and opposition parties in the same way as they did for the old and will continue to respect any continuing party political confidentiality.
- 2.5 Officers are not required to attend political party group meetings. They will only do so by invitation, with the express authority of the Chief Executive, an Executive Director and/or a Corporate Director. The Chief Executive, Executive Director and/or Corporate Director will have the right to nominate other officers to attend at his sole discretion.
- 2.6 Where it is possible that persons other than Members will be present at a political party group meeting to which an officer has been invited, the Chief Executive, Executive Director and/or Corporate Director will be informed before the meeting, and s/he will take this into account in arriving at his/her decision.

3. Support services to Members and Party Groups

- 3.1 Support services and resources must only be used on Council business and should never be used in connection with any political or campaigning activity or for private purposes.

4. Members' access to information and to Council documents

- 4.1 Members have various statutory and common law rights to access information.

Members may ask the Chief Executive, an Executive Director and/or any Corporate Director or other officers nominated by them for such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.

- 4.2 A Member does not have a right to "a roving commission" to examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must initially be determined by Officer holding the document in question. In the event of dispute, the matter shall be determined by the Head of Paid Service, an Executive Director or a Corporate Director,
- 4.3 In addition to the above a Member may request information under the Freedom of Information Act 2000, and various other legislative provisions including the Local Government Acts of 1972 and 2000 provide a statutory right of access to documents. Any document which is in the Council's possession and contains material relating to any business to be transacted at a meeting of the Council, a Committee or Sub Committee is to be open to inspection by any Member. However, there is no right of inspection where it appears to the Chief Executive that a document discloses certain classes of exempt information as set out in Access to Information Procedure Rules.
- 4.4 The Code of Conduct limits the ability of a Member to disclose confidential information. Further information of rights of access can be found in the Access to Information Procedure Rules – Part 2 of the Constitution.

5. **Correspondence**

- 5.1 Openness and transparency should underpin the work of the Council. Accordingly, blind copies ie correspondence where some of the intended recipients are deliberately hidden from others, should not be sent.
- 5.2 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (eg, representations to a Government Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

6. **Involvement of Ward Members**

- 6.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected shall normally, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members shall normally be notified at the outset of the exercise.

Jacqui Gooding

From: Complaints
Sent: 03 August 2023 16:35
To: Cllr. Bill Pipe
Subject: FW: Formal complaint relating to the behaviour of Cllr Bill Pipe

Dear Cllr Pipe

Firstly my apologies for approaching you on a complaints matter

I regret to advise that we are in receipt of a complaint against you that alleges a breach of the Code of Conduct. This has been passed to an Independent Person and verified as a possible breach that requires investigation.

We will of course let you know the outcome once the investigating officer has completed their interviews and finalised their report

The Monitoring Officer is aware of the complaint (which features below) and will be kept informed of the progress. As this is now in the hands of an external independent investigator there should be no need to challenge this matter directly with the complainants

Yours sincerely

Antony Bygrave
Assurance Complaints Manager
Assurance
Dorset Council

[01305 225076](tel:01305225076)
dorsetcouncil.gov.uk



From: Cllr. Les Fry <cllrles.fry@dorsetcouncil.gov.uk>
Sent: Thursday, July 20, 2023 8:12 pm
To: Jonathan Mair <Jonathan.Mair@dorsetcouncil.gov.uk>
Cc: Cllr. Nick Ireland <cllrnick.ireland@dorsetcouncil.gov.uk>; Cllr. Clare Sutton <cllrclare.sutton@dorsetcouncil.gov.uk>
Subject: Formal complaint relating to the behaviour of Cllr Bill Pipe

Dear Jonathan

In October 2020 Cllr Bill Pipe was removed from the police and Crime panel for inappropriate comments about stop and search made during a meeting.

On the 25th April 2023 we were made aware of a Cabinet Reshuffle <https://news.dorsetcouncil.gov.uk/2023/04/27/dorset-council-cabinet-reshuffle/only> by way of public press release. Cllr Bill Pipe was appointed as lead member for Education.

A few days after Annual Full Council on the 11th May 2023 through conversations we heard that Cllr Pipe had resigned. Information then reached us that he had been in a meeting relating to education and had mimicked the Irish accent of a Senior member of Dorset Council, when asked to apologise by an officer of a higher position he had refused. He had then resigned saying he did not want the role anyway.

An Echo article - <https://www.dorsetecho.co.uk/news/23611259.councillor-steps-top-education-role/> - 26.6.23 reported that Cllr Pipe had resigned less than 3 weeks later. This, just weeks after the resignation, was the first members (or most members) had heard about it.

Other than this press report nothing has been made public and no explanation offered to Group leaders about why a member with a history of inappropriate behaviour was appointed in the first place to Education and why subsequently he resigned. We feel that Cllr Pipe has seriously undermined the good working relationship between members and officers and his ongoing behaviour has brought the Council and position of elected member into disrepute.

We do know who the two officers are, but out of interest and respect to them have not approached them.

We appreciate that there is a time lag on this matter, but as the issue has not been formally raised, we have to act with the information that we have.

1. We feel that Cllr Pipe has brought the Council into disrepute and that he should formally be held to account.
2. Information should be provided to Group leaders with an explanation of what action has been taken to redress Cllr Pipe's behaviour

Can our complaint, the incident and the outcome or any action taken please be independently investigated and reviewed.

Submitted Jointly by

Cllr Nick Ireland – Leader of the Liberal Democrats
Cllr Les Fry – Leader of the Independent Group
Cllr Clare Sutton – Leader of the Green party



Jacqui Gooding

Subject: FW: Important; From the Monitoring Officer FW: Duty of Care

From: Jonathan Mair**Sent:** Friday, October 20, 2023 7:23 AM**To:** Cllr. Bill Pipe <cllrbill.pipe@dorsetcouncil.gov.uk>**Cc:** Matt Prosser <matt.prosser@dorsetcouncil.gov.uk>; Cllr. Spencer Flower <cllrspencer.flower@dorsetcouncil.gov.uk>**Subject:** Important; From the Monitoring Officer FW: Duty of Care

Dear Cllr Pipe

On 18 September 2023 the Chief Executive sent you the email below setting out steps that he was taking as part of his duty of care towards staff. For the reasons set out in his email the Chief Executive asked the following:

1. *That you do not contact any officer in Children's Services other than the Executive Director, Theresa Leavy. The Executive Director will ensure that you receive a response to any questions or concerns that you raise but contact must be through the Executive Director only or, in her absence, through me/the monitoring officer.*
2. *That any meetings with any officers are by appointment only, agreed in advance.*
3. *That you do not enter County Hall or the Council's other offices, other than to attend Full Council or committee meetings or to attend a pre-arranged appointment with an officer.*
4. *On those occasions when you do attend Council or committee meetings or a pre-arranged appointment you should restrict yourself to the Council Chamber, relevant committee room or the arrangements made for the appointment in advance.*

To reinforce these points and as part of his duty of care to all staff, the Chief Executive informed you that your secure area entry card would be deactivated and that it would not therefore be possible for you to access staff office areas except by prior appointment. He concluded by asking that you respect these limitations on your contact with employees and your access to their place of work and that you do not ask other councillors or officers to admit you to secure areas.

Despite the very clear position set out in the Chief Executive's email I am told that you came to County Hall yesterday and:

- Without any prior appointment entered the secure office area to try to meet with staff
- Gained entry to the secure area by asking another councillor to admit you
- Returned later and told a member of staff that your access card was not working, as a result of which they arranged for your access card to be re-activated by the facilities team.

All of the above are in direct contravention of and show no respect for the reasonable measures put in place by the Chief Executive to protect staff to whom he owes a duty of care. More than that, you actively persuaded a member of staff to re-activate an access card that the Chief Executive had expressly told you in his email would be deactivated and why.

As a result of your actions yesterday your access card has again been de-activated and the Facilities Manager has been instructed that it is only to be re-activated at my request, at the request of the Service Manager for Democratic and Elections or that of the Chief Executive. We have respected your privacy by not informing other councillors that they should not admit you to staff areas. If though you persist in gaining entry via other councillors you will put me in the position of having to consider telling that they must not to use their access cards to admit you.

The Chief Executive phrased his email carefully and respectfully, ending by asking for your co-operation. In view of what happened yesterday he and I have agreed that I must be more direct. As a councillor you are entitled to attend Full Council and committee meetings in the Council Chamber at County Hall and officers are taking no steps to prevent you from doing this. Uncontrolled access to staff and to their offices is not though an entitlement and I must insist that until further notice you comply with the points in the Chief Executive's email as requirements upon you.

Jonathan Mair
Director of Legal & Democratic (Monitoring Officer)
Senior Leadership Team
Dorset Council

[01305 838074](tel:01305838074)
dorsetcouncil.gov.uk



From: Matt Prosser <matt.prosser@dorsetcouncil.gov.uk>
Sent: Monday, September 18, 2023 5:47 pm
To: Cllr. Bill Pipe <cllrbill.pipe@dorsetcouncil.gov.uk>
Cc: Jonathan Mair <Jonathan.Mair@dorsetcouncil.gov.uk>; Cllr. Spencer Flower <cllrspencer.flower@dorsetcouncil.gov.uk>
Subject: Duty of Care

Dear Cllr Pipe

I understand from the Leader of Council that following an incident that occurred last Monday, immediately before the People and Health Scrutiny Committee, you have sent a letter of apology to those colleagues concerned.

An apology, whilst welcome, still leaves us in a position where this and other recent incidents, including that which is currently subject to a standards investigation, have led to a sense of some colleagues feeling significantly undermined by you, lacking confidence that you are able to treat them respectfully and fairly and feel unable to interact with you as a result.

The Council owes a duty of care towards all its employees. That duty of care is discharged through me as the Head of Paid Service, and this means that in the circumstances I must take appropriate steps to protect colleagues. In this instance I consider this to mean ensuring that you do not interact with officer colleagues and accordingly I ask:

1. That you do not contact any officer in Children's Services other than the Executive Director, Theresa Leavy. The Executive Director will ensure that you receive a response to any questions or concerns that you raise

but contact must be through the Executive Director only or, in her absence, through me/the monitoring officer.

2. That any meetings with any officers are by appointment only, agreed in advance.
3. That you do not enter County Hall or the Council's other offices, other than to attend Full Council or committee meetings or to attend a pre-arranged appointment with an officer.
4. On those occasions when you do attend Council or committee meetings or a pre-arranged appointment you should restrict yourself to the Council Chamber, relevant committee room or the arrangements made for the appointment in advance.

To reinforce these points and as part of my duty of care to all staff, your secure area entry card will be deactivated, and you will not be able access staff office areas except by prior appointment. Before taking these steps, I have consulted Jonathan Mair, as Monitoring Officer. Jonathan has advised that the steps I am taking are both lawful and appropriate given the Council's duty of care owed towards its employees. Specifically, this is not a sanction but a measure to protect staff to whom the Council owes a duty of care.

I will review the need for the continuation of these steps following the outcome of the elections in May 2024. In the meantime, I ask that you respect these limitations on your contact with employees and your access to their place of work and that you do not ask other councillors or officers to admit you to secure areas.

I would appreciate your cooperation in this matter.

Yours sincerely

Matt
Matt Prosser
Chief Executive
Dorset Council

dorsetcouncil.gov.uk



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Jacqui Gooding

From: Cllr. Spencer Flower <cllrspencer.flower@dorsetcouncil.gov.uk>
Sent: Friday, December 1, 2023 12:50 PM
To: Jonathan Mair <Jonathan.Mair@dorsetcouncil.gov.uk>
Subject: FW: Interviewee A

Dear Jonthan
The emails I mentioned earlier.
Thanks
Spencer

From: Cllr. Spencer Flower
Sent: Monday, November 6, 2023 6:28 AM
To: Cllr. Bill Pipe <cllrbill.pipe@dorsetcouncil.gov.uk>
Cc: Cllr. Gary Suttle <cllrgary.suttle@dorsetcouncil.gov.uk>
Subject: RE: Interviewee A

Morning Bill

As mentioned, when you met Gary and I last week here is the email I sent to you back in September

Kind regards
Spencer

From: Cllr. Spencer Flower
Sent: Friday, September 15, 2023 4:42 PM
To: Cllr. Bill Pipe <cllrbill.pipe@dorsetcouncil.gov.uk>
Cc: Cllr. Gary Suttle <cllrgary.suttle@dorsetcouncil.gov.uk>
Subject: FW: Interviewee A

Hello Bill

I think your words are fine as drafted.

Suggest you write to Interviewee A copy Theresa.

Kind regards
Spencer

Having known you for eight or nine years and worked with you at District, County & Unitary level, I have almost always addressed you in a fake Irish accent; not to belittle you or to offend you, but in a humorous way. As you have never complained to me or to anyone else during that time, I assumed [wrongly as it happens] that you took it in the manner that it was addressed to you and not in an offensive way.

For this, I am genuinely and deeply sorry. I also apologise unreservedly for my comments to you after I greeted you on Monday by pointing out that I was speaking in an English accent.

We have worked successfully together for many years, and I would like this to continue, so can we draw a line under this sorry episode and resume a more professional relationship together?

Yours most sincerely

Bill

Jacqui Gooding

Subject: Restrict

From: Bill Pipe [REDACTED]
Sent: Wednesday, December 20, 2023 4:06 PM
To: Jacqui Gooding <jacqui.gooding@swapaudit.co.uk>
Subject: Re: FW: Restrict

Prior to tomorrows noon deadline for me to accept your findings, I reluctantly accept those findings, but should point out that in my opinion, I think the complaints are malicious and politically motivated and that the complainants were encouraged to complain by a third party, an officer of the SLT.

Cllr Bill Pipe

On 07/12/2023 18:23, Jacqui Gooding wrote:

Dear Councillor Pipe,

I have been informed by the Monitoring Officer that you are allowed 10 working days to respond. Please could I therefore ask for any response by 21st December 2023.

I apologise for the confusion.

Kind Regards

Jacqui

Jacqui Gooding CMIIA, QIAL, ACFE

Assistant Director – Counter Fraud and Investigations

SWAP Internal Audit Services

Phone: HO: 020 8142 5030

Mobile: 07872 500675

Email: jacqui.gooding@swapaudit.co.uk

Confidential Reporting Line: 020 8142 8462 or

Email: confidential@swapaudit.co.uk



www.swapaudit.co.uk

From: Jacqui Gooding
Sent: Thursday, December 7, 2023 10:31 AM
To: Cllr. Bill Pipe <cllrbill.pipe@dorsetcouncil.gov.uk>
Cc: Bill Pipe - DC - Audit and Governance Committee Member [REDACTED]
Subject: Restrict

CONFIDENTIAL

Dorset Council – Complaint No. COM/00005980

Dear Councillor Pipe,

I am providing you with a copy of my report on conclusion of my investigation of Complaint No. COM/00005980 and the supporting interview records and documents.

This is to give you an opportunity to comment if you feel there are any factual inaccuracies in the report. You are not however able to comment on my findings/conclusions.

Please can you respond to me by 12pm on Monday 11th December 2023. If I do not hear from you by Monday 11th December 12pm I will assume you have no comments to make.

Please can I remind you that the report and supporting documents should be treated confidentially.

Kind Regards

Jacqui

Jacqui Gooding CMIIA, QIAL, ACFE
Assistant Director – Counter Fraud and
Investigations
SWAP Internal Audit Services
Phone: HO: 020 8142 5030
Mobile: 07872 500675
Email: jacqui.gooding@swapaudit.co.uk
Confidential Reporting Line: 020 8142
8462 or
Email: confidential@swapaudit.co.uk



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