

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Standards Committee

Date: Tuesday, 28th February, 2017

Time: 6.00 pm

Place: Committee Room 4 - Civic Suite

Contact: Robert Harris

Email: committeesection@southend.gov.uk

A G E N D A

- 1 Apologies for Absence
- 2 Declarations of Interest
- 3 **Minutes of the Meetings held on 15th January 2015 and 19th February 2015** (Pages 1 - 4)
- 4 **Requests for Dispensations (South Essex Homes)** (Pages 5 - 18)
Report of the Director of Legal & Democratic Services attached.
- 5 **Monitoring Officers Report** (Pages 19 - 54)
Report of the Director of Legal & Democratic Services attached.
- 6 **Committee on Standards in Public Life Annual Report 2015/16 (Published July 2016)** (Pages 55 - 94)
Attached.

Members:

Cllr D Jarvis (Chair), Cllr J Garston (Vice-Chair), Cllr M Assenheim, Cllr M Butler, Cllr T Callaghan, Cllr F Evans, Cllr I Gilbert, Cllr K Robinson and Cllr M Terry
Councillor C Paker (Leigh Town Council –non voting)
J Tetley and J Morgan (observers – non voting)

This page is intentionally left blank

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Standards Committee

Date: Thursday, 15th January, 2015

Place: Civic Centre (Civic 1), Vic Avenue, Cttee Rm 7

3

Present: Councillor M Royston (Chairman),
Councillors B Ayling (Vice-Chairman), A J Crystall, F Evans, M A Flewitt, J W
Moyies, K R Robinson, N D Ward

Councillor M Cotgrove (Leigh Town Council), Councillor C A Mulroney (Leigh
Town Council), Mrs J Morgan (Independent Person), Mrs J Tetley (Independent
Person)

In Attendance: J K Williams and T Row

Start/End Time: 6.00 p.m./7.25 p.m.

**** **Part I**

556 Apologies and substitutions.

Apologies for absence were received from Councillor A J Moring.

557 Declarations of interest.

The following declarations of interest were made at the meeting:

(a) Councillors Ayling and Flewitt – Agenda Item 4: Requests for Dispensations – Non-pecuniary interests: Committee had previously granted dispensations to them.

(b) Councillor Flewitt - Requests for Dispensations – Non-pecuniary interest: Friend's family are tenants of South Essex Homes Ltd.

558 Minutes of the Meeting held on Wednesday, 10th October, 2012

Resolved:

That the Minutes of the meeting held on Wednesday, 10th October 2012 be received, confirmed as a correct record and signed.

559 Requests for Dispensations

The Committee considered a report of the Corporate Director for Corporate Services regarding applications for dispensations under S.30 Localism Act 2011 that had been submitted by Councillors Butler and McMahon, who are Council appointed Board members of South Essex Homes Ltd (SEH).

The Committee noted that:

(i) Councillors Assenheim and Betson (the other two Council appointed Board members of SEH) had been granted dispensations by the Standards Committee on 10th October 2012 enabling them to speak at Council meetings where SEH business was being considered, but not to vote;

(ii) Circumstances have changed since the decision referred to in (i) above in that Council appointed Board members of SEH no longer receive any allowances; and
(iii) Board Members owe a legal duty of good faith to SEH and must act in the best interests of the company at all times. This is reinforced by the provisions of sections 170-177 of the Companies Act 2006. Any dispensation granted by the Committee does not override such legal obligations on the Councillors concerned.

1. That dispensations are required by the applicants.
2. That dispensations be granted to Councillors Butler and McMahon to enable them to participate, speak and vote at all Council meetings where South Essex Homes Ltd. (SEH) business is considered and they would otherwise have to withdraw. In reaching this decision, the Committee recognised that the knowledge and expertise of the Councillors would be of considerable benefit to the Council and there would be no damage to public confidence.
3. That these dispensations shall operate until 9th October 2016.
4. That the other two Council appointed Board members of SEH be invited to submit applications to extend their dispensations to include voting rights.

560 Monitoring Officer's Report

The Committee considered a report of the Corporate Director for Corporate Services that provided an update on ethical issues and the need to promote and maintain high standards of conduct for elected and co-opted Members.

Resolved:

1. That the report be noted.
2. That the Council be recommended to amend Appendix 1 to the Members' Code of Conduct in Part 5(a) of the Constitution so as to reflect the revised descriptions of the General Principles of Public Life ("the Nolan Principles") made by the Committee on Standards of Public Life.
3. That, in order to promote and maintain high standards of conduct, the following steps should be taken:
 - (a) The Monitoring Officer should send an advice note to all Members of the Council (including co-opted members) and Members of Leigh Town Council about blogging; and
 - (b) A system should be introduced to monitor levels of attendance by individual Councillors at meetings of the Council, Cabinet, Committees and Working Parties to which they are appointed, commencing at the beginning of the new Municipal Year. The system should show the number of times a Member should have attended and the number of actual attendances and the details should be published on the Council's website. The system should include the ability to record any special reasons for non-attendance, such as sickness or clash of meetings.

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Standards Committee

Date: Thursday, 19th February, 2015

Place: Civic 1 (Civic Centre), Vic Avenue, Cttee Rm 2

Present: Councillor M Royston (Chairman)
Councillors B Ayling (Vice-Chairman), A J Crystall, *C Endersby, F Evans, J W Moyies, K R Robinson

Mrs J Tetley (Independent Person)

Councillor M Cotgrove (Leigh Town Council), Mrs J Morgan (Independent Person), Mrs J Tetley (Independent Person)

In Attendance: J K Williams and R Harris.

Start/End Time: 18.00/18.10

**** **Part I**

654 Apologies and substitutions.

Apologies for absence were received from Councillor Flewitt (no substitute), Councillor Ward (substitute: Cllr Endersby), Councillor Mulroney (Leigh Town Council), Councillor M Cotgrove (Leigh Town Council), Mrs J Morgan (Independent Person).

655 Declarations of interest.

The following declarations of interest were made at the meeting:

(a) Councillor Ayling - Agenda Item 3 - Requests for Dispensations - Non-pecuniary interest - Committee had previously granted dispensation to him;

656 Requests for Dispensations

The Committee considered a report of the Corporate Director for Corporate Services regarding applications for dispensations under S.30 of the Localism Act 2011 that had been submitted by Councillors Assenheim and Betson, who are Council appointed Board members of South Essex Homes Ltd (SEH).

The Committee noted that:

(i) In accordance with the invitation in Minute 559, Resolution 4, of the Standards Committee held on 15th January 2015 (Appendix 1 to the submitted report) Councillors Assenheim and Betson have submitted applications to extend their dispensations to include voting rights and;

(ii) Board Members owe a legal duty of good faith to SEH and must act in the best interests of the company at all times. This is reinforced by the provisions of sections 170-177 of the Companies Act 2006. Any dispensations granted by the Committee does not override such legal obligations on the Councillors concerned.

Resolved:

1. That dispensations are required by the applicants.
2. That dispensations be granted to Councillors Assenheim and Betson to enable them to participate, speak and vote at all Council meetings where South Essex Homes Ltd. (SEH) business is considered and they would otherwise have to withdraw. In reaching this decision, the Committee recognised that the knowledge and expertise of the Councillors would be of considerable benefit to the Council and there would be no damage to public confidence.
3. That these dispensations shall operate until 9th October 2016.

Chairman: _____

Southend-on-Sea Borough Council

Agenda
Item No.

4

Report of Monitoring Officer

to

Standards Committee

on

28th February 2017

Report prepared by: John Williams,
Director of Legal & Democratic Services

Requests for Dispensations

A Part 1 Public Agenda Item

1. Purpose of Report

For the Standards Committee to consider and determine applications for dispensations under S.30 Localism Act 2011 submitted by Councillors David Burzotta, Meg Davidson and David Norman MBE.

2. Recommendations

That the Standards Committee determines:

- **Whether the dispensations are required;**
- **Whether to grant the dispensations;**
- **Whether the dispensations should extend to voting as well as participation in debate; and**
- **The length of time the dispensations should operate for.**

3. Background

3.1 At its meeting on the 19th July 2012, the Council agreed the new standards regime for Councillors and co-opted members pursuant to the provisions of the Localism Act 2011. The new regime included:

- A new Members' Code of Conduct ("the Code").
- Some standard dispensations applicable to all Councillors so they can debate and vote on matters where most are likely to have a clear disqualifying interest, such as setting the Council Tax and approving the Members' Allowances Scheme.

- An arrangement for a Councillor to apply to the Standards Committee to be granted an individual dispensation to debate and / or vote on a matter when he/she has a disqualifying interest. (The ability for Councillors to apply to the Standards Committee for individual dispensations existed under the old standards regime, but no requests were ever made).

3.2 The Code sets out rules relating to the registration and declaration of interests.

In summary these new provisions are as follows:

- (a) Disclosable Pecuniary Interests (DPI's) as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and section 6 of the Code:
 - Councillor must register all such interests of himself and spouse / partner.
 - Councillor must disclose all such interests of himself and spouse / partner if it relates to business to be considered at any Council meeting.
 - After having declared a DPI a Councillor must not participate in the matter and must withdraw – unless a dispensation is granted by the Standards Committee under S.33 of the Localism Act 2011 (section 10.1(a) of the Code).
- (b) Other Pecuniary Interests as defined in section 7 of the Code
The same rules apply as with DPI's although the rules only apply to the Councillor's interests, not his spouse / partner.
- (c) Non-Pecuniary Interests as defined in section 8 of the Code
 - Councillor must register all such interests of himself.
 - Councillor must disclose all such interests of himself if it relates to business to be considered at any Council meeting.
 - After having declared a non-pecuniary interest, a Councillor can then participate in the Council meeting and vote unless:
“a member of the public with knowledge of the relevant facts would reasonably regard your interest as so significant that it is likely to prejudice your judgment of the public interest or your interest may give rise to a perception of conflict of interest or bias in which case you must withdraw” (section 10.3 of the Code)
 - If a Councillor has a disqualifying interest under section 10.3 of the Code then he can still participate and vote if he first obtains a dispensation from the Standards Committee.

3.3 The Council currently appoints 3 Councillors to the Board of South Essex Homes Ltd (SEH), which is an arm's length management organisation (ALMO) established in 2005 to take on responsibility for managing the Council's housing stock.

The 3 Members appointed by the Council in May 2016 are Councillors David Burzotta, Meg Davidson and David Norman MBE.

As directors of the company, the law requires that they act in the best interests of the company.

Council appointed Board members were at one time entitled to various allowances, albeit of a relatively modest nature (maximum was approximately £1,500 p.a.). However this is no longer the case as detailed in a report to Cabinet on the 5th November 2013 (minute 444 refers).

Since 2012, the Council has considered reports on the future of the management of the Council's housing stock and the ALMO and the matter may well be considered at further Council meetings over coming months.

3.4 I have previously advised Council members on the Board that if they attend any Council or Committee meeting where the future of the management of the Council's housing stock and the ALMO is under consideration:

(a) Then if they receive allowance payments, they will have a DPI under section 6.2 of the Code, namely an interest which relates to or is likely to affect ***“Any appointment, office, trade, profession or vocation carried on by you or a Relevant Person for profit or gain”***; and

(b) In any event they will have a non-pecuniary interest under section 8(i) of the Code in that the matter ***“relates to or is likely to affect 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 the Authority”***. Furthermore Councillor Board members will be in considerable difficulties in terms of dealing with such fundamental issues in a fair way or being seen to deal with the matter fairly. Consequently in my view they have a **disqualifying** non-pecuniary interest.

Therefore on the basis of (a) and / or (b), it is my view that Councillor Board members should not take part in debate at any Council meetings but should withdraw, unless they first obtain a dispensation from the Standards Committee.

3.5 At its meetings on 15th January and 19th February 2015 the Standards Committee considered applications for dispensations submitted by Councillors Assenheim, Betson, Butler and McMahon under Section 30 of the Localism Act 2011.

These councillors had been appointed by the Council to the Board of South Essex Homes Ltd. (SEH) and wanted to be able to speak and vote at Council meetings on matters relating to SEH and the management of the Council's housing, notwithstanding having an interest under the Members' Code of Conduct.

The Committee granted dispensations to the four councillors to both speak and vote up until 9th October 2016 (Minutes 559 and 656 refer).

In reaching this decision the Committee recognised that the councillors had no DPI or Pecuniary Interest, the knowledge & expertise of the councillors would be of considerable benefit to the Council and there would be no damage to public confidence.

3.6 Councillors Burzotta, Davidson and Norman MBE have now submitted applications for dispensations to enable them to speak and vote at Council meetings where SEH business is being considered. This is in line with the dispensations previously agreed as referred to in 3.5 above. The applications are attached at **Appendix 1**.

3.7 When the Standards Committee dealt with the previous dispensation applications in 2015, the applicants were permitted to make oral representations to the Committee to support their applications, but none of them did so.

4. Matters for the Standards Committee to consider and relevant considerations

4.1 The first thing the Committee needs to decide is whether dispensations are required at all

I believe the answer to this is yes, for the reasons set out in 3.4 above, although the Councillors will no longer have a DPI as they are not entitled to receive allowances.

4.2 The second issue is whether the applications should be granted

In reaching a decision on this matter the Committee needs to consider:

4.2.1 The five circumstances in which a dispensation can be granted, as set out in S.33 Localism Act 2011:

(a) That so many members of the decision making body have disclosable pecuniary interests in a matter that it would “impede the transaction of the business”;

Comment: This ground will not apply in this case as meetings will not be made inquorate even if the 3 Members could not attend.

(b) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter.

Comment: This ground has little relevance as the 3 Board members are drawn from 6 political groups on the Council.

(c) That the authority considers the dispensation is in the interests of persons living in the authority’s area.

Comment: This ground requires a value judgement and is for the Committee to decide.

- (d) That, without the dispensation, no member of the Cabinet would be able to participate on this matter.
Comment: This ground is not relevant.
- (e) That the authority considers that it is otherwise appropriate to grant a dispensation.
Comment: This ground requires a value judgement and is for the Committee to decide.

4.2.2 The applications of the 3 Members and any oral representations which they make.

4.2.3 Material Considerations

Although the Localism Act 2011 has changed the rules, guidance issued by the now defunct Standards Board for England, is very useful in this regard:

Considerations for dealing with dispensation requests

Q *Is the nature of the Member's interest such that allowing them to participate would not damage public confidence in the conduct of the authority's business?*

For instance, it is unlikely that it would be appropriate to grant a dispensation to a Member who has a prejudicial interest arising as a result of an effect on their personal financial position or on that of a relative. The adverse public perception of the personal benefit to the Member would probably outweigh any public interest in maintaining the political balance of the committee making the decision. This is especially where an authority has well-established processes for members on committees to be substituted by members from the same political party.

Q. *Is the interest common to the member and a significant proportion of the general public?*

For example, the member might be a pensioner who is considering an item of business about giving access to a local public facility at reduced rates for pensioners. Some cautious members might regard this as a possible prejudicial interest. However, as a significant proportion of the population in the area are also likely to be pensioners, it might be appropriate to grant a dispensation in these circumstances.

Q. *Is the participation of the member in the business that the interest relates to justified by the member's particular role or expertise?*

For instance, a member might represent the authority on another public body – such as a fire or police authority – and have particular expertise in the work of that body. Therefore it may be appropriate for that member to be allowed to address the decision-

making body, even where there is no right for the public to do so. This would mean that the body would have the benefit of the member's expertise before making a decision which would benefit it financially.

Q. *Is the business that the interest relates to about a voluntary organisation or a public body which is to be considered by an overview and scrutiny committee? And is the member's interest not a financial one?*

In circumstances such as these, the Standards Committee might believe that it is in the interests of the authority's inhabitants to remove the incapacity from speaking or voting.

4.2.4. The previous decisions of the Standards Committee when it dealt with dispensations are also a material consideration.

The applications before the Committee are essentially the same as those in 2015. The applicants will have a disqualifying non-pecuniary interest when the management of the Council's housing stock and the ALMO is under consideration as detailed in 3.4(b) above.

The Standards Committee also granted dispensations to 5 councillors in 2012, but the circumstances were different: In 2012 the councillors received various allowances (see 3.3 above) and the dispensations granted did not extend to voting.

4.2.5 Views of the Independent Persons who attend meetings of the Standards Committee.

4.3 The third issue is if dispensations are granted, whether they should extend to participation in debate only, or participation and voting

This is a value judgment to be made by the Committee. However in 2015 the dispensations granted extended to participation and voting.

4.4 The fourth issue is the length of time the dispensations should operate for

Any grant of dispensation would need to specify how long it lasts for, up to a maximum of 4 years.

If the applications are approved they clearly need to be granted for a reasonable period and it would be very cumbersome to keep reverting back.

5. Other Options

The Committee can agree the applications as it thinks fit.

6. Reasons for Recommendations

Not applicable.

7. Corporate Implications

- 7.1 Contribution to Council's Vision & Corporate Priorities
Excellent Council / Good Governance
- 7.2 Financial Implications
None
- 7.3 Legal Implications
As set out in the report
- 7.4 People Implications
None
- 7.5 Property Implications
None
- 7.6 Consultation
Not applicable
- 7.7 Equalities and Diversity Implications
No issues
- 7.8 Risk Assessment
The Committee must determine the applications properly
- 7.9 Value for Money
No issues
- 7.10 Community Safety Implications
No issues
- 7.11 Environmental Impact
No issues

8. Background Papers

Localism Act 2011

9. Appendices

Appendix 1 – Applications for Dispensations from Councillors David Burzotta, Meg Davison and David Norman MBE.

This page is intentionally left blank

Request for Dispensation to the Standards Committee

I am a member of the Board of South Essex Homes as the Council's nominee and have a Disclosable Pecuniary Interest and / or a disqualifying non-pecuniary interest. *

As a result I apply for a dispensation from the Standard Committee to enable me to :

1. * Participate in discussion of matters relating to South Essex Homes at any meeting of the Council, Cabinet, Committees or Working Party of the Council; or
2. * Participate in discussion of matters relating to South Essex Homes at any meeting of the Council, Cabinet, Committees or Working Party of the Council AND to vote

* *Delete as appropriate*

My reason(s) for applying for a dispensation are as follows;

Reasons		Yes	No
(a)	Without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.	✓	
(b)	That without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.	✓	
(c)	That granting the dispensation is in the interests of persons living in the authority's area.	✓	
<p>Add explanation / reason for the Standards Committee to consider if you wish:</p>			

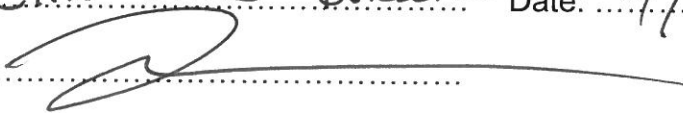
(e) That it is otherwise appropriate to grant a dispensation.

Add explanation / reason for the Standards Committee to consider if you wish:

THE EXPERIENCE AND KNOWLEDGE
gained as a ~~Company~~
and non executive director
would be of benefit to the
Council.

This would not be damaging to
the Council and would not
be against the public interest

Name: ...C.I.R. DAVID BURZETTA... Date: 01/12/16

Signed: 

Request for Dispensation to the Standards Committee

I am a member of the Board of South Essex Homes as the Council's nominee and have ~~a Disclosable Pecuniary Interest and/or~~ a disqualifying non-pecuniary interest. *

As a result I apply for a dispensation from the Standard Committee to enable me to :

1. * Participate in discussion of matters relating to South Essex Homes at any meeting of the Council, Cabinet, Committees or Working Party of the Council or
2. * Participate in discussion of matters relating to South Essex Homes at any meeting of the Council, Cabinet, Committees or Working Party of the Council AND to vote

* *Delete as appropriate*

My reason(s) for applying for a dispensation are as follows;

Reasons		Yes	No
(a)	Without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.	✓	
(b)	That without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.	✓	
(c)	That granting the dispensation is in the interests of persons living in the authority's area.		✓
<p>Add explanation / reason for the Standards Committee to consider if you wish:</p>			

(e)	That it is otherwise appropriate to grant a dispensation.
	<p>Add explanation / reason for the Standards Committee to consider if you wish:</p> <p>THE EXPERIENCE & KNOWLEDGE GAINED AS A COUNCILLOR & NON-EXECUTIVE DIRECTOR WOULD BE OF BENEFIT TO THE COUNCIL.</p> <p>THIS WOULD NOT BE DAMAGING TO THE COUNCIL & WOULD NOT BE AGAINST THE PUBLIC INTEREST.</p>

Name: CLLR MEG DAVIDSON Date: 15/8/16

Signed: M. Davidson

Request for Dispensation to the Standards Committee

I am a member of the Board of South Essex Homes as the Council's nominee and have a Disclosable Pecuniary Interest and / or a disqualifying non-pecuniary interest. *

As a result I apply for a dispensation from the Standard Committee to enable me to :


1. * Participate in discussion of matters relating to South Essex Homes at any meeting of the Council, Cabinet, Committees or Working Party of the Council; or
2. * Participate in discussion of matters relating to South Essex Homes at any meeting of the Council, Cabinet, Committees or Working Party of the Council AND to vote

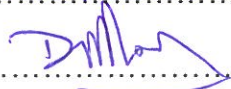
* *Delete as appropriate*

My reason(s) for applying for a dispensation are as follows;

Reasons		Yes	No
(a)	Without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.	✓	
(b)	That without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.	✓	
(c)	That granting the dispensation is in the interests of persons living in the authority's area.		
<p>Add explanation / reason for the Standards Committee to consider if you wish:</p>			

(e)	That it is otherwise appropriate to grant a dispensation.
	<p>Add explanation / reason for the Standards Committee to consider if you wish:</p> <p>The experience & knowledge gained as a non-executive director will benefit the Council. I am elected to the Board of SEH by the Council and will continue to ensure the Council's interests are protected at all times</p>

Name:  **DAVID NORMAN** Date: 1/12/16

Signed: 

Southend-on-Sea Borough Council

Agenda
Item No.

5

Report of Monitoring Officer

to Standards Committee

on
28th February 2017

Report prepared by: John Williams, Director of Legal &
Democratic Services & Monitoring Officer

Monitoring Officer's Report

Part 1 Public Agenda Item

1. Purpose of Report

To provide the Standards Committee with an update on ethical issues and the need to promote and maintain high standards of conduct for elected and co-opted Members.

2. Recommendation

That the report be noted.

3. Background

3.1 Standards Regime

(a) On 19th July 2012 the Council adopted a new standards regime for Councillors and co-opted members pursuant to the provisions of the Localism Act 2011.

(b) The new standards regime:

- Requires Councils to promote and maintain high standards of conduct for its elected and co-opted Members.
- Requires Councils to adopt their own Members' Code of Conduct, consistent with a new set of principles and the provisions of the Localism Act.
- Defines "Disclosable Pecuniary Interests" which must be registered and declared by Members – and imposes criminal sanctions for non-compliance.

- Abolished the previous National Code, the Standards Board for England and the associated legislation.
 - Requires the compilation and publication on the internet of the Register of Members' Interests.
 - Requires Councils to put in place arrangements for dealing with breaches of the Code: However there are very limited sanctions if such a breach is found, essentially naming and shaming and possibly withdrawal of facilities in some cases.
 - Requires Councils to appoint at least one "Independent Person" to assist with dealing with complaints. Southend has appointed 2 Independent Persons.
 - Applies the same principles to parish and town councils, except that the principal council will operate the arrangements in respect of the Code.
- (c) The Committee on Standards in Public Life is a body which advises the Prime Minister on ethical standards across the whole of public life in the UK. It monitors and reports on issues relating to the standards of conduct of all public office holders, including monitoring the impact of changes to the local government standards regime by the Localism Act 2011.

The Committee published its Annual Report for 2015/16 in July 2016 (see item 6 on the agenda for this meeting) and attention is drawn in particular to the section on Local Government Standards on pages 21 and 22. This presents a relatively positive position, although some difficulties and challenges are identified, particularly the effectiveness of the sanctions regime and some calls for a National Code of Conduct. The Annual Report also refers to evidence to suggest that "the role of the independent person is generally well received" and I would certainly like to acknowledge the contribution made by Southend's two Independent Persons.

3.2 Members' Code of Conduct

The key document agreed by Council on the 19th July 2012 was the new Members' Code of Conduct "**the Code**". (Leigh on Sea Town Council adopted the same Code on the 12th September 2012).

The Code is contained in Part 5(a) of the Constitution and a copy is attached at **Appendix 1**.

Following a recommendation from the Standards Committee at its meeting on 15th January 2015, the Council amended Appendix 1 to the Code to reflect the revised descriptions of the General Principles of Public Life ("the Nolan Principles") made by the Committee on Standards in Public Life in its report "Standards Matter" in January 2013.

The Code covers 4 matters:

- Some general obligations about Member conduct
- Rules on registration of interests
- Rules on declarations of interest
- Rules on gifts and hospitality

The Code replaced a National Code which had existed previously. However to ensure some common standards across Essex, the new Code (and the associated documents for dealing with complaints) was developed by the Public Law Partnership, which is a partnership of local authority legal departments across Essex and beyond: This was at the request of the Essex Chief Executives and Leaders Group.

The Public Law Partnership has kept the Code under review, but based on experience to-date no necessary changes have been identified.

Furthermore, no legislative changes have required the Code to be amended. The Department for Communities and Local Government (DCLG) did issue revised guidance in September 2013 (**Appendix 2**) advising Members to register personal trade union interests, but this obligation was already included in the Council's Code.

While the Code will continue to be kept under review, no changes are recommended at the present time.

There are 2 other documents contained within the Council's Constitution which provide further guidance to Members on ethical conduct:

- Probity in Planning - Guidance for Members and Officers (Part 5(b)); and
- Protocol on Member/Officer Relations (Part 5(d)).

3.3 Registration of Members' Interests

A public Register is kept by the Monitoring Officer of interests which Members and co-opted members are obliged to register pursuant to paragraph 11 of the Code and S.29 Localism Act 2011. The registration requirements include any gifts or hospitality accepted with a value in excess of £50.

All new Members must complete the Register. Furthermore at the start of each municipal year all existing Members are asked to confirm in writing that their registered interests are still correct, or to amend them as required. The same applies to co-opted members.

The Register is currently up to date and is open to public inspection on the Council's website as required by S.29 (5) of the Localism Act 2011

The Register of interests of Members of Leigh on Sea Town Council is published on the Town Council's website.

3.4 Declarations of Interests at meetings

The Code contains specific requirements for Members and co-opted members to declare interests at meetings of the Council, Cabinet, committees, sub-committees etc.

There is an item at the start of every meeting for the declaration of interests. Members and co-opted members also complete a slip so that the declarations are accurately recorded in the minutes. More sophisticated arrangements operate at full Council Meetings.

3.5 Training for Members

(a) Training for Members and co-opted members is provided in a number of ways:

- Shortly after the new Code was introduced a Training Session was held for all Members.
- Planning Training sessions for the Development Control Committee at the start of each municipal year generally include a section on the Code, given the frequency of interest issues arising at the Committee.
- New Member induction always includes a one-to-one session with the Monitoring Officer, where the ethical framework and the provisions of the Code are examined in detail. Other items considered include the Constitution and the Council's decision making processes. A copy of the letter sent to new Members in connection with the Code and associated issues is attached at **Appendix 3**.
- Ad hoc advice is provided to Members individually and collectively on the Code – see 3.6 below.

(b) The Committee is asked for ideas on what additional training it would like to see for all Members in 2017/18.

3.6 Ad hoc advice from the Monitoring Officer

The Monitoring Officer regularly gives advice to individual Members, including co-opted members, about the obligations in the Code and particularly in connection with the registration and declaration of interests.

Often such advice is given outside meetings, but when necessary it will be provided at the meeting.

In addition the Monitoring Officer will provide advice to a wider group of Members when this is required. For example:

- Members of the Development Control Committee re interests and also pre-determination in respect of a specific application.
- All Councillors in respect of Part 2 reports and the need to maintain confidentiality.

3.7 Complaints

Since the new Standards regime was introduced in July 2012 there have been a small number of complaints alleging that a Member has breached the Code.

However following consultation with the Independent Person, as required by the relevant procedures in Part 4(i) of the Constitution, none of these complaints passed the threshold to merit further investigation.

3.8 Members requests for dispensations

The Standards Committee has power to grant dispensations to permit a councillor to participate in Council business despite having a disqualifying interest.

The Standards Committee has previously granted such dispensations to councillors who sit on the Board of South Essex Homes.

Further applications for dispensations from current councillors on the Board of South Essex Homes are on the agenda for this meeting (agenda item 4).

3.9 Promoting and maintaining high standards of conduct for elected and co-opted Members

The previous sections of this report set out the various steps which have already been taken, or put in place, to promote and maintain high standards of conduct for elected and co-opted Members.

Training is of course an on-going matter as is monitoring the Code and compliance with it.

However the views of the Committee on further action which might be taken would be welcome.

Members will recall that at the Standards Committee meeting held on 15th January 2015 two recommendations were made to promote and maintain high standards of conduct (minute 560 refers):

- (a) The Monitoring Officer should send an advice note to all Members (including co-opted members) and Members of Leigh Town Council about blogging.

Letters were duly sent on 23 January 2015 (copy attached at **Appendix 4**) and subsequently to all new Members.

- (b) A system should be introduced to monitor levels of attendance by individual councillors at meetings of the Council, Cabinet, committees and working parties to which they are appointed. The system should show the number of times a Member should have attended and the number of actual attendances and the details should be published on the Council's website. The system should include the ability to record any special reasons for non-attendance, such as sickness or clash of meetings.

The Mod-gov committee management system now records the attendance of Members at meetings and details are published on the Council's website. Actual attendances are recorded, as well as the number of times the Member should have attended and a Member can indicate when non-attendance is the result of a clash of meetings.

The statistics available on the website are as follows;

- Attendance by Councillor
- Attendance of all Councillors
- Attendance by Committee
- Councillor non-attendance.

3.10 Other ethical matters

- (a) On 25th February 2016 the Council agreed a new Employee Code of Conduct, replacing the outdated Code in Part 5(c) of the Council's Constitution. At the same time six new HR policies were adopted to support the new Code.
- (b) The Constitution has recently been subject to a major update, in order to reflect significant changes to the Council's senior management structures and the introduction of a revised Local Code of Governance in Part 5(e) of the Constitution. This Local Code of Governance sets out the Council's governance framework and the systems of internal control.

4. Corporate Implications

4.1 Contribution to Council's Vision & Corporate Priorities

Excellent Council

4.2 Financial Implications

None

4.3 Legal Implications

As set in the report

4.4 People Implications

None

4.5 Property Implications

None

4.6 Consultation

None

4.7 Equalities and Diversity Implications

None

4.8 Risk Assessment

There are no significant risk issues associated with this report.

4.9 Value for Money

No significant issues.

4.10 Community Safety Implications

None

4.11 Environmental Impact

None

5. Background Papers

None

6. Appendices

Appendix 1 – Members' Code of Conduct

Appendix 2 – The Department for Communities and Local Government (DCLG) revised guidance to Councillors "Openness and Transparency on personal interests" issued in September 2013.

Appendix 3 - Letter sent to new Members in connection with the Code

Appendix 4 - Advice note sent to all Members (including co-opted members) and Members of Leigh Town Council about blogging.

This page is intentionally left blank

Part 5(a) – Members’ Code of Conduct

Contents

	Page
General Provisions.....	1
Who does the Code apply to?.....	1
What does the Code apply to?.....	1
General Obligations.....	2
Confidential Information.....	2
Conferring an Advantage or Disadvantage.....	3
Members’ Interests.....	3
Disclosable Pecuniary Interests.....	3
Other Pecuniary Interests.....	4
Non-Pecuniary Interests.....	4
Disclosure of Interests.....	5
Effect of Interests on Participation.....	5
Registration of Members’ Interests.....	6
Sensitive Information.....	6
Register of Gifts and Hospitality.....	7
Appendix 1 – The Nolan Principles and Section 28(1) of the Localism Act 2011.....	8

Part 5(a) – Members’ Code of Conduct

General Provisions

Introduction and Interpretation

As a Member you are a representative of Southend-on-Sea Borough Council (“the Authority”) and the public will view you as such. Therefore your actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.

This Code as a whole is consistent with “Nolan Principles” which are set out in **Appendix 1** and the provisions of S29(1) Localism Act 2011.

In this Code:

“**meeting**” means any meeting of:

- (a) The Authority;
- (b) The Executive of the Authority;
- (c) Any of the Authority's or its Executive's Committees, Sub-Committees, Joint Committees, Joint Sub-Committees or Areas Committees whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members;
- (d) Any briefings by officers and site visits organised by the Authority.

“**relevant period**” means the period of 12 months ending with the day on which you give notification to the Authority's monitoring officer of any disclosable pecuniary interests you had at the time of the notification.

“**profit or gain**” includes any payments or benefits in kind which are subject to Income Tax.

“**beneficial interest**” means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale.

“**Member**” includes a co-opted member.

1. Who does the Code apply to?

- 1.1 This Code applies to all Members of the Authority including co-opted members.
- 1.2 It is your responsibility to comply with the provisions of this Code.

2. What does the Code apply to?

- 2.1 You must comply with this Code whenever you:
 - (a) Conduct the business of the Authority, or
 - (b) You are acting as a representative of the Authority.
- 2.2 This Code has effect in relation to your conduct in your official capacity.

2.3 Where you act as a representative of the Authority:

- (a) On another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) On any other body, you must, when acting for that other body, comply with the Authority's code of conduct, except and insofar as it conflicts with any **other** lawful obligations to which that other body may be subject.

3. General Obligations

3.1 You must treat others with respect.

3.2 You must uphold the law

3.3 You must not:

(a) Do anything which may cause the Authority to breach any of the equality enactments.

(b) Bully any person.

(c) Intimidate or attempt to intimidate any person who is or is likely to be:

(i) a complainant;

(ii) a witness; or

(iii) involved in the administration of any investigation or proceedings.

in relation to an allegation that a Member (including yourself) has failed to comply with the Authority's code of conduct; or

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

4. Confidential Information

You must not:

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

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the Authority;

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

5. Conferring an Advantage or Disadvantage

You must:

- (a) Not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
- (b) When using or authorising the use by others of the resources of the Authority:
 - (i) act in accordance with the Authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes);
- (c) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Members' Interests

6. Disclosable Pecuniary Interests¹

6.1 You have a Disclosable Pecuniary Interest in any business of the Authority if it is of a description set out in 6.2 below and is either:

- (a) An interest of yours; or
- (b) An interest (of which you are aware) of a spouse, civil partner or a person you are living with as a spouse or civil partner (known as "Relevant Persons").

6.2 A Disclosable Pecuniary Interest is an interest which relates to or is likely to affect:

- (i) Any employment, office, trade, profession or vocation carried on by you or a Relevant Person for profit or gain;
- (ii) Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your 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;
- (iii) Any contract for goods, services or works which has not been fully discharged between you or a Relevant Person and the Authority or a body in which you or they have a beneficial interest;
- (iv) A beneficial interest in any land in the Authority's area;
- (v) A licence of any land in the Authority's area (alone or jointly with others) that you or a Relevant Person occupy for a month or longer;
- (vi) Any tenancy where to your knowledge:
 - (a) the landlord is the Authority; and
 - (b) the tenant is a body in which you or a Relevant Person has a beneficial interest;

¹ The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 set out the pecuniary interests specified for the purposes of Chapter 7 of Part 1 Section 30(3) of the Localism Act 2011.

9. Disclosure of Interests (Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests)

- 9.1** Subject to sub-paragraphs 9.2 to 9.3, where you have a Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.
- 9.2** Sub-paragraph 9.1 only applies where you are aware or ought reasonably to be aware of the existence of the Interest.
- 9.3** Where you have an interest in any business of the Authority which would be disclosable by virtue of paragraph 9.1 but by virtue of paragraph 12 (Sensitive Information) details of the interest are not registered in the Authority's published Register of Members' Interests and the interest is a Disclosable Pecuniary Interest or Other Pecuniary Interest you need not disclose the nature of the interest to the meeting.
- 9.4** Where you have a Pecuniary Interest in any business of the Authority which would be Disclosable by virtue of paragraph 9.1 and a function of the Authority may be discharged by you acting alone in relation to that business, you must ensure you notify the Authority's monitoring officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business.
- 9.5** Where you have an interest in any business of the Authority which would be disclosable by virtue of paragraph 9.1 and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest. In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

10. Effect of Interests on Participation

10.1 Disclosable Pecuniary Interests

- (a)** If you are present at a meeting of the Authority or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and you or a Relevant Person has a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and you are aware of that Interest:
- (i)** You must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting;
 - (ii)** You must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Standards Committee or the Authority's proper officer.
- (b)** If you have a Disclosable Pecuniary Interest in any business of the Authority you must not:
- (i)** exercise executive functions in relation to that business; or
 - (ii)** seek improperly to influence a decision about that business
- (c)** If a function of the Authority may be discharged by a Member acting alone and you have a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by yourself).

10.2. Other Pecuniary Interests

If you have an Other Pecuniary Interest in any business of the Authority and you are present at a meeting of the Authority at which such business is to be considered or is being considered you must:

- (i) Disclose the existence and nature of the interest in accordance with paragraph 9.1 (but subject to paragraph 9.3); and
- (ii) Withdraw from the room or chamber where the meeting considering the business is being held.

10.3 Non-Pecuniary Interests

After having declared an interest in accordance with paragraph 9.1 you may then participate and vote unless a member of the public with knowledge of the relevant facts would reasonably regard your interest as so significant that it is likely to prejudice your judgment of the public interest or your interest may give rise to a perception of conflict of interest or bias in which case you must withdraw.

11. Registration of Members' Interests

(a) Subject to paragraph 12, you must, within 28 days of:

- (i) This Code being adopted by or applied to the Authority; or
- (ii) Your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the Authority.

register in the Authority's Register of Members' Interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

- i. Disclosable Pecuniary Interests as referred to in paragraph 6 that you or a Relevant Person has in so far as you are aware of their interests at that time;
 - ii. Other Pecuniary Interests referred to in paragraph 7 that you have; and
 - iii. Non-pecuniary interests referred to in paragraph 8 (sub paragraphs (i) – (iii)) that you have.
- (b) You must keep your register of interests up to date by notifying the Monitoring Officer of any changes to your interests referred to in (a) above within 28 days of the change occurring or becoming aware of the change.

12. Sensitive Information

12.1 Where you have a Disclosable Pecuniary Interest referred to in paragraph 6 or Other Pecuniary Interest referred to in paragraph 7 and the nature of the interest is such that you and the Authority's monitoring officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the Authority's Register then copies of the register available for inspection and any published version of the Register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.

12.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 12.1 is no longer sensitive information, notify the Authority's Monitoring Officer.

12.3 In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

13. Register of Gifts and Hospitality

13.1 You must within 28 days of receipt, notify the Authority's monitoring officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Member from any person or body other than the Authority.

13.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

13.3 This duty to notify the monitoring officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

The Nolan Principles (as revised by the Committee on Standards in Public Life in January 2013) and Section 28(1) of the Localism Act 2011

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 declare 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.



Department for
Communities and
Local Government

Openness and transparency on personal interests

A guide for councillors

© Crown copyright, 2013

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.gov.uk/dclg

If you have any enquiries regarding this document/publication, email contactus@communities.gov.uk or write to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/CommunitiesUK>

September 2013

ISBN: 978-1-4098-3604-9

The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011¹.

Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.²

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority
- the Broads Authority

¹ The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

² The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.³

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

As explained in the following section, your registration of personal interests should be guided by your duty to act in conformity with the seven principles of public life. You should ensure that you register all personal interests that conformity with the seven principles requires. These interests will necessarily include your membership of any Trade Union.

What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that '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

³ <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships.**¹⁴.

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests – both declarable pecuniary interests, and other interests that must be declared and registered as required by your authority's code, or your duty to act in conformity with the Seven Principles of Public Life, such as your membership of any Trade Union. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose⁵ this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider

⁴ <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

⁵ If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

financial interests they might have (for example trust funds, investments, and assets including land and property).

Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests of your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district of borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

Do I need a dispensation to take part in the business of setting council tax or a precept?

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.

If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either –
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - 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 you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Southend-on-Sea Borough Council

Department for Corporate Services

John Williams Head of Legal & Democratic Services

Your ref:

Our ref: JKW/MFW

Date: 9th May 2016

Telephone: 01702 215102

Fax: 01702 215110

E-mail: johnwilliams@southend.gov.uk

DX 2812 Southend

Appendix 3

All New Members

Dear Councillor

Re: New Members – The Members’ Code of Conduct, Registration of Interests and Declarations of Interests

1. The Members’ Code of Conduct

I attach a copy of the Members’ Code of Conduct (“the Code”) which was adopted by the Council on 19th July 2012 (**Appendix 1**) and which you agreed to abide by when you signed the Declaration of Acceptance of Office book, following your recent election.

2. Register of Members’ Interests

- (a) The Code requires all Members to complete the Register of Members’ Interests form (attached at **Appendix 2**) and return this to me.

Please complete this as clearly as possible as the forms make up a Council Register of Members’ Interests which is publicly available in hard copy and on the Council’s website.

You must complete this form and return it to me within 28 days of your election, i.e. by Thursday 2nd June 2016. If you fail to complete the form, or complete it incorrectly, you remain a Member but are in breach of the Code and may commit an offence.

I have produced a guidance note (**Appendix 3**) to assist with completion of the form, which I hope you will find useful. However if you have any questions please contact me.

Members must notify me of any changes to the details registered within 28 days of becoming aware of them.

- (b) On the last page of the Register referred to in (a) you are also required to give me written notification of any gifts or hospitality received with a value in excess of £50, within 28 days of receipt.

This obligation only applies to gifts or hospitality which Members receive in connection with their official duties as a Councillor. You do not need to register gifts / hospitality which are not related to your role as a Member, e.g. Christmas gifts from relatives or friends.

Notwithstanding this provision, you need to be cautious about accepting any gift or hospitality.

3. Declaration of Interests at Meetings

If you have an interest under the Code in respect of any business of the Council and are present at a meeting of the Authority at which the business is considered, then you must declare that interest at the start of the meeting, even if you have already registered it.

Furthermore, unless a dispensation has been granted, you must withdraw from the meeting while that business is considered if your interest is:

- Pecuniary; or
- A disqualifying non-pecuniary interest (i.e. a member of the public with knowledge of the relevant facts would reasonably regard your interest as so significant that it is likely to prejudice your judgement of the public interest or may give rise to a conflict of interest or bias).

If you are aware of something on an agenda of a Council meeting and are not sure whether you have an interest or not, please contact me in advance and I will be pleased to offer advice. However if in doubt it is always best to err on the side of caution and declare an interest and if necessary withdraw.

4. Guidance

A summary of the requirements in the Code in terms of declaring and registering interests is attached at Appendix 4.

My summary reflects the content of a revised guide for councillors entitled "Openness and Transparency on personal interests" issued by the Department for Communities and Local Government in September 2013 (Appendix 5).

5. Blogging & Social Networking

Finally I attached a guidance note on Blogging and Social Networking which the Standards Committee asked me to send to all Councillors (Appendix 6). This reflects Guidance issued by the Local Government Association in April 2015, the old Standards Board for England in 2011 and other Councils.

Yours sincerely



John Williams
Head of Legal & Democratic Services

Enc

Department for Corporate Services

John Williams Head of Legal & Democratic Services

Your ref:

Telephone: 01702 215102

Our ref: JKW/MFW

Fax: 01702 215110

Date: 23rd January 2015

E-mail: johnwilliams@southend.gov.uk
DX 2812 Southend

Southend on Sea Borough Councillors
(including Co-opted Members)
Leigh on Sea Town Council Councillors

Dear Councillor / Member

Re: Blogging and Social Networking - Guidance Note

1. Background

At its meeting on 15th January 2015 the Standards Committee considered steps which could be taken to promote and maintain high standards of conduct.

In this context, the Standards Committee asked me to send a Guidance Note on Blogging to all Southend-on-Sea Borough Councillors (including co-opted Members) and Leigh-on-Sea Town Councillors.

2. Guidance

In preparing the **attached** Guidance Note which covers Blogging and Social Networking, I have had regard to a guide issued by the Standards Board for England in 2011, as well as more recent guidance issued by other Councils.

I hope the Guidance Note is helpful.

Yours sincerely

John Williams
Head of Legal & Democratic Services
and Monitoring Officer

Enc

Social Media: Guide for Councillors

1. Social Media and networking

Social media provides effective methods for Councillors to interact with constituents and support local democracy. Used effectively, social media can engage those who would not normally have access to Councillors and politics.

2. What is social media?

Social media can be categorised into six types: blogs; wikis; social networks; forums; podcasts; and content communities.

This guidance refers primarily to social networks and blogs.

Social networking is an online method of sharing information, photos and views with contacts and associates. Examples of social networking sites are Facebook, Twitter and Instagram.

A blog is a frequently updated individual website discussing subjects ranging from the personal to the political. It may focus on one narrow subject or a whole range of subjects.

4. Staying out of Trouble

4.1 The Members' Code of Conduct ("the Code") provides the foundation for this guidance. The Code applies whenever you act as a Councillor – and the same rules apply to your general conduct and to your online conduct.

You should pay particular attention to the following paragraphs of the Code when using social media or blogging:

- You must treat others with respect
- You must not bully any person
- You must not disclose confidential information
- You must not use Council resources improperly for political purposes

4.2 Publishing on the web means that once you've said it, it is visible to all. Social media is vulnerable to your message being misunderstood. Think about what you say and how you say it, in just the same way as you would when making statements in person, in writing or to the media. Be aware that anything you state on your social networking sites or blogs can be legitimately used by journalists and attributed to you without your prior permission.

- 4.3 You need to be very careful about making unguarded statements, which may potentially leave you open to a claim for libel. Also it is also important that you do not make derogatory or discriminatory statements about Council employees, as you have a role as an employer.
- 4.3 Councillors can have “blurred identities”. You may have a social media account where you comment both as a Councillor and as an individual. For example a Facebook account where you have posted about a family day out (personal) and another time explained the Council position on a policy (Councillor). It may be clear in your mind what capacity you are posting in, but it could be less clear to others.

There is a difference between communicating in a political capacity as a Councillor and as a private citizen, with the former being subject to the Code. The key to whether your online activity is subject to the Code is whether you are acting as a Councillor or giving the impression that you are.

Much of this will come down to judgement, but to make sure you comply with the Code and to ensure your use of social media is well received, here are some general tips:

Do:

- Understand and stay within the Code regardless of the platform – offline and online.
- Set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog.
- Keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views.
- Be aware that the higher your profile as a Councillor, the more likely it is you will be seen as acting in your official capacity when you blog or network.
- Keep your personal and Councillor profile on social networking sites separate if you can. Otherwise it will always be difficult to claim that you were acting in a completely private capacity.
- Be aware that by publishing information that you could not have accessed without your position as a Councillor you will be seen as acting in your official capacity.

- Be careful when making political points about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine political expression is less likely to be viewed as disrespect.
- Comply with equality laws – take care publishing anything that could be considered sexist, racist, ageist, homophobic or anti-faith, even as a joke or “tongue-in-cheek”.
- Be responsible at all times.
- Be respectful at all times.
- Credit other people's work, ideas and links.
- More than anything, do use social media in the spirit in which it was intended – to engage, openly and honestly.

Don't:

- Blog or make comments on social networks in haste.
- Make unguarded statements which could lead to potential liability.
- Disclose confidential information.
- Post personal data about an individual.
- Post comments that you would not be prepared to make in writing or face to face.
- Use Council facilities for personal or political blogs.
- Request or accept a Council employee as a “friend” on a social networking site.
- Post content which will embarrass the Council or yourself.
- Think that a disclaimer will save you from potential legal action, it will not.
- Blog or make comments that might suggest you don't have an open mind about a planning, licensing or other quasi-judicial matter if you sit on the Committee which will make the decision. Comments of predetermination run the risk of the decision being invalidated.
- Tweet / blog at Council meetings about matters which are not on the agenda. It could give the impression that you are not engaging properly in the meeting.

Useful links:

LGA Basic guide to social media:

http://www.local.gov.uk/digital-councils/get-started/-/journal_content/56/10180/6959055/ARTICLE

General digital and social media advice from the LGA:

http://www.local.gov.uk/digital-councils/get-started/-/journal_content/56/10180/6967645/ARTICLE

Advice and social media checklist for Cllrs from the LGA:

http://www.local.gov.uk/digital-councils/go-further/-/journal_content/56/10180/6960274/ARTICLE

Issued: 2015

6

**Committee on Standards
In Public Life**

Annual Report 2015–16

Forward Plan 2016–17

THE SEVEN PRINCIPLES OF PUBLIC LIFE

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

SELFLESSNESS

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 declare 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.

These principles apply to all aspects of public life. The Committee has set them out here for the benefit of all who serve the public in any way.

The Seven Principles were established in the Committee's First Report in 1995; the accompanying descriptors were revised following a review in the Fourteenth Report, published in January 2013.

CONTENTS

The Seven Principles of Public Life	1
Contents	2
Foreword	3
About the CSPL	5
Strategic plan	6
Overview of Activities 2015–2016	10
Standards Check	20
Representations, Speeches and Communication	24
Forward plan 2016–17	27
Appendix 1: About the Committee	29
Appendix 2: Financial Information	35
Appendix 3: Reports and Publications	36

FOREWORD

This report provides an overview of the Committee's activities over the course of the past year and also sets out our forward plan of work for 2016–17.

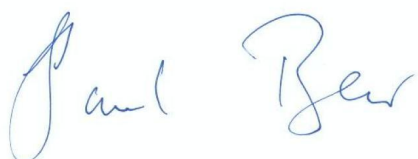
It is twenty one years since the First Report of this Committee made recommendations for reform. They have formed the basis of the language and infrastructure of standards of propriety in public life, which remain in place today. Nolan set out the Seven Principles of Public Life and the mechanisms for embedding and enforcing those principles.

This year the Committee has been undertaking a comprehensive review of how regulators seek to uphold the Seven Principles of Public Life. Despite the central role they play in public life, this is the first dedicated review of regulators that the Committee has undertaken. Created to operate in the public interest, their decisions impact on individuals and organisations. Like much of the public sector, regulators face reduced expenditure and unprecedented scrutiny on how they operate. Our report will argue that it is critical therefore, that regulators are robustly independent of those they regulate and demonstrate high standards with their own activities and decisions. And with the referendum decision to leave the EU, and Britain facing the prospect of having to rewrite much of its regulatory arrangements, these issues have become all the more acute and complex. We will be publishing the review in September 2016.

This year, the Referendum on whether the UK should stay in the EU has dominated the press. We received a number of complaints regarding the conduct of players in the referendum and much has been said as to whether both sides followed the rules. The Committee is clear that the topic requires ongoing review and analysis. To this end, the Committee intends to hold a seminar on referenda.

The issue of party funding has also been raised again – it remains a matter of significant public concern centred on the confluence of money, power and influence. The Committee's own efforts on this issue have continued to play a key role in taking the debate forward, our previous report from 2011 led to further discussion via the Trade Union Bill and subsequent House of Lords Select Committee Report. The Committee has undertaken further research in this area by commissioning [a study into party finances](#), building on previous work. The issue of party funding cannot be resolved without political will; the Committee believes it is long overdue for the main political parties to show leadership, put aside partisan positions and re-convene talks to reach cross-party agreement on possible reforms. Given the destructive nature of this issue for politics in the UK, I believe it is necessary to continue to press for reform.

Finally I must conclude by thanking our departing members. Patricia Moberly and Lord Alderdice have both made invaluable contributions to the Committee. Their knowledge, insight and judgement will be greatly missed. Patricia's contributions in particular to our reports, *Tone from the top* and, most recently, *Ethics for Regulators* have proven absolutely fundamental to the success of these projects. We wish them both well in their future endeavours.

A handwritten signature in blue ink that reads "Paul Bew". The signature is written in a cursive, flowing style.

Paul Bew

Chair

July 2016

ABOUT THE CSPL

1. The Committee on Standards in Public Life monitors, reports and makes recommendations on all issues relating to standards in public life.¹ This includes not only the standards of conduct of holders of public office, but all those involved in the delivery of public services.
2. As an independent Committee we are uniquely placed to consider the ethical landscape as a whole. As a standing committee we have a constant presence, which enables us to monitor progress on different issues, including our own recommendations, over time. It also enables us to respond quickly when an ethical issue arises which requires our consideration.
3. Our purpose is to help promote and maintain ethical standards in public life and thereby to protect the public interest through:
 - monitoring standards issues and risks across the United Kingdom (by invitation in the devolved areas);
 - conducting inquiries and reviews and making practical and proportional recommendations that are generally implemented;
 - researching public perceptions on standards issues relating to specific areas of concern, and also over time.
4. The Committee's status is that is an independent advisory non-departmental public body (NDPB). It is not founded in statute and has no legal powers to compel witnesses to provide evidence or to enforce its recommendations. Our secretariat and budget are sponsored by the Cabinet Office.
5. To fulfil our remit effectively it is important that we remain robustly non-partisan and independent of the Government that appoints us. It is for that reason that the chair and other members, other than those representing the political parties, are now appointed through a fair and transparent public appointment process, for non-renewable terms. The Committee's political members are nominated by Party Leaders at the time of appointment.
6. By convention, the Committee consults the Prime Minister before starting an inquiry, and can be asked by the Prime Minister to mount an inquiry on a specific subject, but the decision on whether to proceed will be our own.

¹ See Appendix 1 for our terms of reference

STRATEGIC PLAN

Our strategic objectives

7. The Committee has agreed the following five strategic objectives:
 - Where appropriate, we will undertake balanced, comprehensive inquiries which enable us to develop evidence-based, practical recommendations which will help maintain or improve ethical standards across public services.
 - We will undertake robust and effective research which will provide useful information about public perceptions of ethical standards across public services. We believe that it is important to check our perceptions of the standards the public expects of public servants and organisations, and the extent to which they are being met, against reality.
 - We will make informed contributions to public debates about ethical standards.
 - We will constantly be alert, spotting developments and responding promptly to emerging ethical risks, engaging with a wide range of stakeholders to develop the ethical standards agenda.
 - We will improve the way we work, evolving so that we continue to be an effective, efficient organisation delivering value for money.

Setting Priorities

8. Since our remit is wide and our resources limited, we will ensure that we take a strategic approach and set priorities. The distribution of our effort between substantive inquiries and the rest of our work will depend on our assessment of current standards issues, their relative importance and how best they can be addressed. We will ensure that time spent in responding to inquiries and consultations initiated by others, while important, and is not allowed to crowd out work on other issues we regard as important.

Selection of inquiries

9. The choice and scope of our inquiries will be informed by our assessment of the importance of the issue, the scope for a distinctive and authoritative contribution and its potential impact. We also have to bear in mind our limited staff and financial resources. In each inquiry we will aim to identify concrete recommendations which will ensure the highest standards of propriety in public life. After reports have been delivered we will continue to follow up on our recommendations, as appropriate, to monitor the extent of their implementation and the effectiveness of the measures taken.

10. Specific areas in which we will continue to take an interest in the next few years, which may not necessarily become the subject of a full inquiry, are set out in detail in the Standards Check section of this report.
11. We will be ready to initiate inquiries promptly on other issues not currently on the horizon, as circumstances require, and to identify any general lessons from individual issues of impropriety that may come to light.

Monitoring standards issues

12. To further our remit to monitor ethical standards across public services as a whole we will:
 - Maintain a watching brief to identify emerging or persistent standards issues and respond promptly to them.
 - Undertake independent quantitative and qualitative research into public perceptions of ethical standards.
 - Respond to consultations and key policy announcements and legislation where these impact on ethical standards and we have an informed contribution to make.

Making sure our voice is heard on standards issues

13. In addition to our inquiries and monitoring of standards issues, we will take steps to ensure our voice is heard promoting high ethical standards, including as appropriate by:
 - Providing evidence to Select Committees and Public Bill Committees in both Houses.
 - Writing to ministers and others on key issues.
 - Participating in conferences, seminars and workshops.
 - Contributing to published consultation papers.
 - Writing articles and delivering speeches to communicate our key messages; and
 - Speaking to the media.
14. We will also aim to increase our collaboration with other bodies providing advice, support and challenge to organisations as they work on standards issues; and jointly promoting high ethical standards in public life. We hope in this way we can add value and use our resources to best effect.

Using our resources to best effect

15. The Committee accepts the importance of being as economical as possible in its use of resources, consistent with delivering effectively against its remit. Its annual budget for 2016/17 is £284 000. Both budget and staff numbers have reduced considerably over the last few years and this has necessarily placed limitations on the scope and extent of work the Committee can undertake and limited the Committee's ability to respond quickly and comprehensively to standards issues as they emerge.
16. We will continue to exercise economy, including in the following ways:

a) *Research*

Our Research Advisory Board added questions to a survey being undertaken by the Electoral Survey. This reduced costs without, we think, significantly compromising the quality of the results. In addition, analysis of the results of the research has been undertaken by a doctoral student part funded by the Committee, under the supervision of the Research Advisory Board.

b) *Visits*

While we continue to maintain an interest in standards issues in the devolved administrations, the Committee has not held public hearings or visited stakeholders in these areas, unless invited, since our remit was amended in 2013 to the effect that we should no longer do so without the agreement of their governments and legislatures.

As part of the evidence gathering for the 'Ethics for Regulators' inquiry we made 26 visits to regulators, however as travel was minimal the costs accrued remained relatively low.

In recent times budgets have not allowed the Committee to investigate comparable issues in countries outside the UK by making visits there. We have instead taken into account international surveys and studies where appropriate and commissioned international comparative work from academic sources. We may, however, request the resources necessary for overseas visits should the circumstances of an inquiry and the absence of the availability of necessary information from other sources appear to demand it.

c) *Administrative processes*

All services (including travel, accommodation, IT and HR) are obtained wherever possible through Cabinet Office framework agreements or approved providers. This ensures best value for money and helps maximise the volume of public sector business being obtained through certain contracts, in order to drive down costs across the public sector.

Measuring our effectiveness

17. Our effectiveness will depend upon the success with which we fulfil the specifics of each year's business plans. But we will continue to identify issues on which our voice has been heard and we have made a difference.
18. We have developed the following Key Performance Indicators:
 - Delivering effective reports as frequently as necessary which identify ways to improve and maintain ethical standards in public services, together with other proactive outputs as specific issues arise. We will always try to produce a rounded and proportionate package of measures intended to be implemented as a whole;
 - Demonstrably increasing the profile of ethical standards as an issue in public services; and
 - Ensuring we continue to justify our role and contribution through meaningful mechanisms of openness and accountability.
 - Ensure adequate media coverage.
19. In making recommendations it should always be our intention to make recommendations that are persuasive, practical and firmly evidence-based. In the past the Committee has usually had the majority of its recommendations accepted, although not always in the precise form suggested and sometimes not immediately. We will monitor this. We will not hesitate to make recommendations that we believe to be right even though we anticipate that those responsible for implementing them may find them difficult.
20. In addition, we will identify and measure the success of our impact and stakeholder engagement by developing, monitoring and evaluating the following measures:
 - Numbers attending events.
 - Numbers responding to consultations.
 - Requests for speeches or presentations.
 - Traffic to our website.
 - Coverage in print and broadcast media.
 - Twitter followers and usage.
 - Feedback and take up rate of quarterly newsletter.
 - Stakeholder survey results and feedback.

OVERVIEW OF ACTIVITIES 2015–2016

21. Our [Business Plan 2015–16](#) set out our plan for the year. We have delivered against that plan and gone further.

Ethics for Regulators

22. The Committee announced in its 2015/16 Business Plan that it would undertake a review of ‘Ethics for Regulators’. The initial aim was to undertake a ‘health-check’ of the way in which regulators manage ethical issues in their own organisations; and the extent to which the unique characteristics of regulators create or demand any specifically tailored ethical solutions. However, the range of issues around regulation we have encountered and the quality of the research has exceeded our initial expectations so we broadened the scope of this project into a full report and a command paper.
23. Regulators play a central role in public life, extending horizontally and sectorally across a broad range of commercial and non-market activity at national regional and local levels. Both within and beyond 22 Non-Ministerial Departments and 346 Agencies and Public Bodies, there are a substantial number of autonomous regulatory bodies in the UK, ranging from the very large to the very small. There has undoubtedly been an assumption that the Seven Principles of Public Life apply to regulators in the same way as to any other holder of public office. However, the Committee does not appear, at any time over its 20 years to have focused an entire report on them.² The project received responses to our survey from over 60 regulators and conducted 26 visits to regulators. We also held three roundtables for academics, regulators and stakeholders, respectively, and commissioned four academic papers and conducted desk research.
24. The Committee aims to publish its findings in September 2016.

Ethical standards for providers of public services guidance: follow up

25. In December 2015 the Committee published an [online guide](#) for providers of public services – whether outsourced or in-house – to promote high ethical standards. This guide followed up the Committee’s [earlier report](#) which established the importance of common standards for all those delivering public services.

² A brief reference was made to regulators in [Standards Matter](#) 2013

26. Lord Bew stated in his foreword to the online guidance:

‘The purpose of this document is to emphasise the key messages from our report and build on its research and conclusions by providing short practical guidance to both providers of public services in building and embedding ethical standards in an organisation, and to commissioners in setting ethical expectations for the delivery of public services as well as ensuring those standards are met. The Committee recognises the efforts and investments which many providers have already made in enhancing awareness of, and adherence to high ethical standards. The Committee recognises the challenges faced by any organisation large or small in ensuring that all employees adhere to high ethical standards of behaviour...Ethics matter. This is increasingly recognised by the business community as a necessary part of winning trust and building confidence in the public service markets. Ethical standards should not be taken for granted. Commissioners and providers need to be explicit with each other and the public as to the standards expected in the services which are being delivered.’

27. The impact of this document has been considerable with 2750 online views since December. In addition, to coincide with the launch of the online guide, Committee member Sheila Drew Smith OBE gave an [interview](#) with the Financial Times which reiterated the need for chief executives to set “a tone from the top” in order to imbue the workforce with the importance of ethical behaviour.

28. The Committee will continue to make the case for public service providers to take steps to embed ethical practices and culture within their organisation. We remain committed to providing research and guidance to this end.

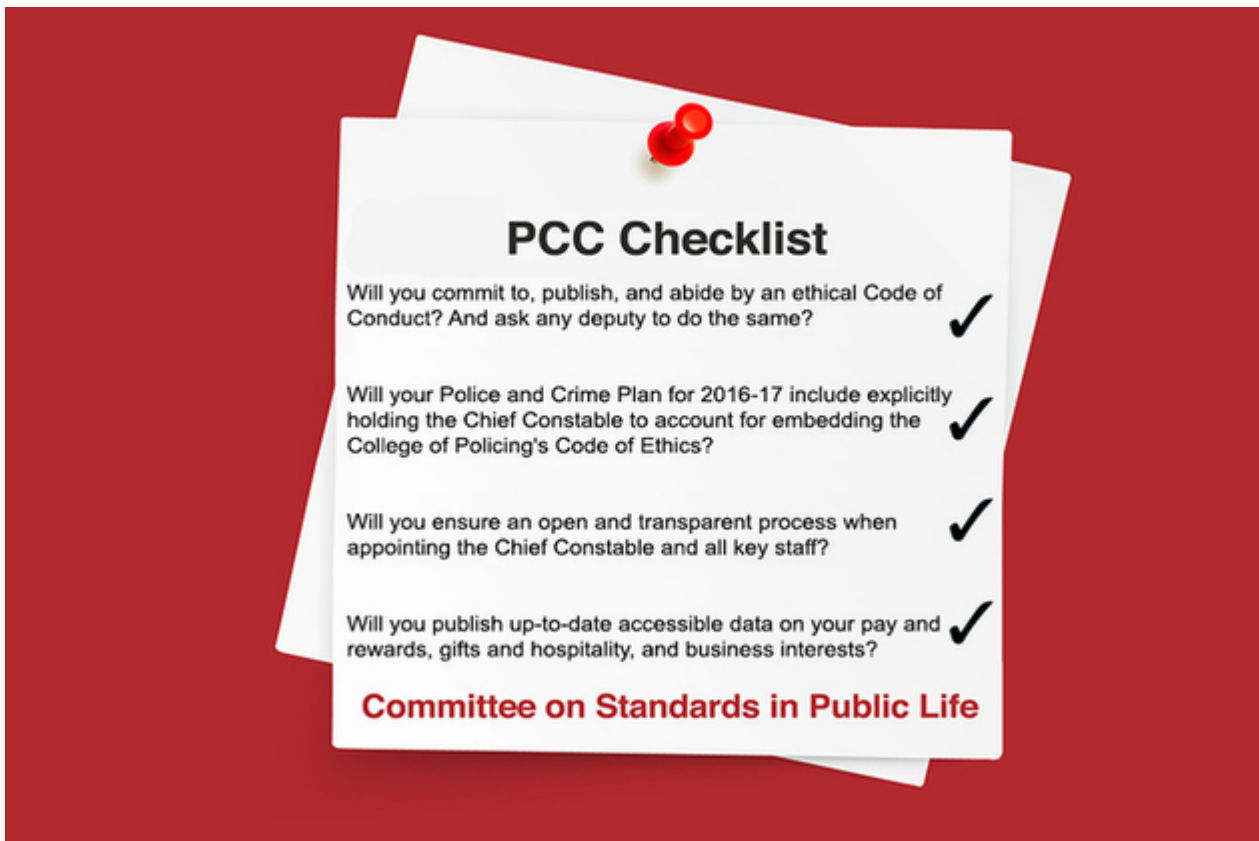
Police Accountability

29. On 29 June 2015 the Committee published the final report of its inquiry into policing accountability: [Tone from the top – leadership, ethics and accountability in policing](#). The Committee’s research, conducted by Ipsos MORI, asked over 1000 members of the public what they knew about local policing accountability. Through a series of structured questions, it was found that, in general, respondents had a pretty positive perception of the standards of conduct of the police; the majority thought senior police officers could be trusted to tell the truth and felt that the police are held to account for their actions. People also largely thought that police deal with the crime and anti-social behaviour issues that matter.

30. However we also learned that despite being generally happy with the conduct of police and saying that the police are held to account, many people asked were unclear who to complain to about problems with local policing and thought that local people did not have a say in how the police spent their time and budget.

31. Following publication, letters to key stakeholders were sent at the end of July requesting their responses to the recommendations relevant to them.
32. Letters were sent to all Chief Constables, Chairs of Police and Crime Panels, Police and Crime Commissioners and representative organisations. Stakeholders were given until 29 November to respond, and we have received responses from 57 stakeholders to date.

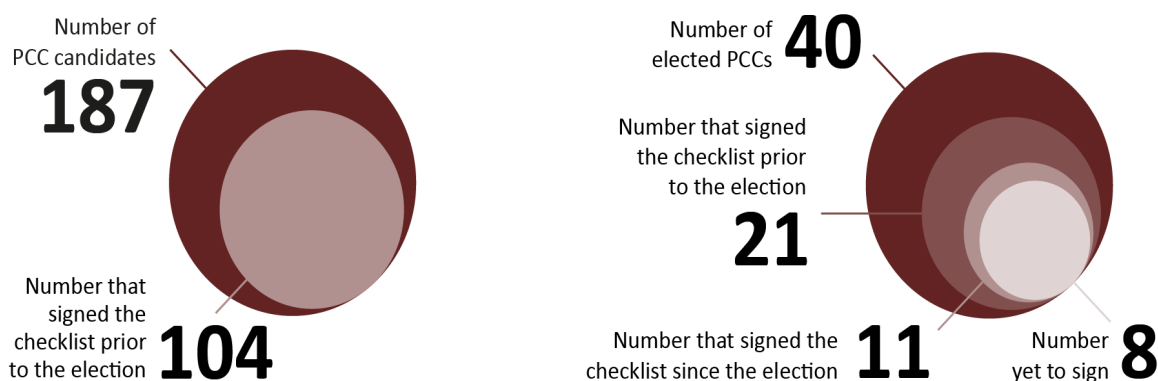
PCC Elections



33. On 21 March 2016, the Committee asked for all candidates standing to be Police and Crime Commissioners (PCCs) at the 5 May 2016 local elections to sign up to the ethical standards checklist. Following its inquiry last year into local policing accountability, the Committee called for all candidates to declare their approach to conduct, appointments and hospitality so that the public can make an informed judgement when casting their vote.
34. On 29 April Lord Bew published the blog '[PCCs – important and powerful roles need robust scrutiny and accountability](#)' following the decision by the South Yorkshire Police and Crime Commissioner to suspend the Chief Constable following the verdict in the Hillsborough inquest. Lord Bew noted that this is the most high profile illustration of the powers vested in elected PCCs which poses questions over who keeps the holders of such power to account – the Police and Crime Panels. Lord Bew wrote that after the elections,

we hope that Police and Crime Panels will use their scrutiny and support role to hold the new PCCs to their promises and help ensure that they live up to the standards of conduct and accountability expected by the public. He also reiterated the Committee’s call for all PCCs to commit to our ethical checklist.

35. By the election on 5 May, over 50 percent of candidates had signed up to the ethical checklist. Following the elections the Committee wrote to the Police and Crime Panels reminding them of the recommendations in last year’s [policing report](#). We also wished to restate our call for PCCs to commit to the ethical checklist, so the public know whether their PCC had signed up, and to bear this in mind when holding their PCC to account.



Lobbying: Follow Up

36. The Government responded in full in October 2015 to our report [Strengthening Transparency around Lobbying](#), which was published in November 2013.
37. The lobbying industry, along with their representatives, charities, campaign bodies, academics and think-tanks all gave evidence to our review. With the evidence gathered we aimed to produce proportionate recommendations which would be complementary and separate to the legislation passing through Parliament on lobbying and would help restore public trust and confidence. In particular we were keen that decision makers who experience lobbying are able to clearly demonstrate probity. We concluded that a package of measures was urgently required to deliver a culture of greater openness and transparency around lobbying; provide greater clarity for public office holders on the standards expected of them; and to reassure the public that a more ethical approach to lobbying is actively being applied by all those individuals and organisations involved in lobbying.
38. Following publication, the Committee Chair met with the then Minister, Francis Maude, in December 2014 to discuss the detail of our recommendations and the reasoning behind them. On 21 October 2015 the Government responded further by offering its assurance that transparency around lobbying is a key

priority and the acceptance of a number of recommendations the Committee believes are important. The Committee stated that it welcomed this response. In particular the Government's commitment to improving the timeliness and accessibility of the published information about Ministers' and Permanent Secretaries' official meetings with outside interest groups as well as hospitality received by ministers and members of departmental boards.

39. On 11 February 2016 Lord Bew posted the blog ['Current arrangements aren't enough'](#) where he praised the Government's efforts in this area; but made it clear that the current arrangements and the lobbying register were not going to provide sufficient transparency and accountability to enable effective public scrutiny of lobbying.
40. The Committee will continue to monitor developments in this area in order to promote the highest standards of propriety in public life.

Trade Union Bill

41. Our 2011 report on party funding came back into public debate in early 2016 when the House of Lords agreed on 20 January to appoint a Select Committee to consider the impact of clauses 10 and 11 of the Trade Union Bill, in relation to the Committee on Standards in Public Life's report, *Political Party Finance: Ending the Big Donor Culture (2011)*. The Select Committee reviewed the necessity of urgent new legislation to balance those provisions with the other recommendations made in the Committee's report.
42. The Trade Union Political Funds and Political Party Funding Committee was appointed on 28 January.
43. On Tuesday 9 February 2016 Lord Bew and former chair, Sir Christopher Kelly, appeared before the Select Committee's second evidence session.

Key points from that session:

- Lord Bew reiterated the points that the report was intended to be taken as a package; that he had not received positive responses from the party leaders when he contacted them post-election regarding this issue. Lord Bew restated the need for action on this and the issues of party expenses more generally.
- Lord Bew also raised his ongoing concerns regarding the issue of public trust and the question of money in politics.
- Sir Christopher answered questions on the aims, content and reception of the 2011 report. He provided detail on the principles and pragmatic reasons for the emphasis of the recommendations as a

package. Sir Christopher confirmed that the aim was to achieve an outcome that was both fair and reasonable to all parties.

44. On 2 March the Select Committee published its [report](#), which concluded that the Trade Union Bill would have a significant impact on union political funds and in turn on Labour Party funding, whilst offering some measures to mitigate this effect. The Committee also advised the Government to convene urgent cross-party talks on party funding reform.

45. The report was debated in the House of Lords on 9 March when the Minister, Baroness Neville-Rolfe commented:

“Evidence to the committee suggested moving ahead with smaller reforms that might command cross-party support, such as finding practical ways in which to encourage more and smaller donations from wider audiences. As part of the Government’s broader approach of promoting giving to good causes, the Government would be willing to take that forward for further consideration, such as publishing a discussion paper in the first instance, if there was a positive reaction to such a potential step from the political parties. I hope noble Lords will be pleased to hear that; I shall be particularly interested to hear the views of the committee chaired by the noble Lord, Lord Bew, on these issues”.

46. The Committee confirmed to the Minister it would be happy to contribute to the debate and subsequently commissioned Dr Michael Pinto-Duschinsky to [update his 2011 report](#) on political funding with some additional work covering party income.

47. On 3 May the Bill returned to the Lords having undergone significant amendments, most notably:

- The government agreed that the switch to an ‘opt-in’ approach to union political funds would now be contingent on consultation with the union Certification Officer and trade unions – plus the backing of both Houses of Parliament.
- If the consultation and Parliament determine that the switch to ‘opt-in’ should go ahead, unions will now be given at least a year, as opposed to the three months outlined in the Bill previously, to transition towards making members ‘opt in’ to their political funds.
- Ministers conceded that unions can trial e-voting for their internal elections and strike ballots.
- Members will now be allowed to opt in to union political funds online.

Both Houses agreed on the text of the Bill which received Royal Assent on 4 May 2016.

48. As stated above, Lord Bew made the point at the Select Committee in February that the landscape had changed since 2011 and that the Committee would undertake further research on the topic. To this end the Committee will be undertaking work in this area in 2016/17 by commissioning the work by Michael

Pinto-Duschinsky as noted above and see forward plan (below) for further details.

Consultation by Law Commission: Misconduct in Public Office

49. In January 2016, the Law Commission announced it was undertaking a review of the offence of misconduct in public office. The reform objectives were to decide whether the existing offence of misconduct in public office should be abolished, retained, restated or amended and to pursue whatever scheme of reform is decided upon.
50. The Committee has previously commented on this issue in the 1997 paper on misconduct in public office. That paper argued that the current common law offence lacked clarity and advised that consideration should be given to the introduction of a new statutory offence.
51. Lord Bew spoke at the Commission's Symposium on Misconduct in Public Office on 20 January 2016 at King's College London, where he reiterated the general position of our 1997 paper and highlighted that the challenge for the Committee is to negotiate space between those breaking law and moral behaviours in general.
52. The Committee responded to the Commission's consultation and published its evidence on the website. The Committee did not focus on the legal technicalities, which were beyond its scope, but the [response](#) considered general principles and standards which are the Committee's primary focus. We did make two key points regarding: (a) the definition of public office holders; and (b) sanctions for any misconduct.
53. With regards to the definition of public office holders the Committee noted the difficulty in defining the term "public office" and "public office holders". There is an increasingly blurred distinction between public, private and voluntary sectors; this has been reflected in the Committee's own remit being widened to make clear that the seven principles apply to any organisation delivering public services. However, the Committee also made clear that the public want all providers of public services to adhere to and operate by common ethical standards, regardless of whether they are in the private, public or voluntary sectors.
54. With regards to the issue of sanctions the Committee acknowledged that the picture had moved on since our previous 1997 paper.³ We did state that, whilst we believe standards remain high, our position now is that there is the need, to have sanctions in place if standards are not met. We believe that to define clear and principled consequences of any material failure to achieve ethical standards would support the re-building and sustaining of public trust in public office. Therefore, if it is decided to proceed with a legal definition of "misconduct" we, the Committee, would strongly encourage the discussion of sanctions and consequences in the event of any transgression.

³ Since then the Bribery Act 2010 and the Local Government Act 2000 have addressed many of the issues raised in the 1997 paper.

55. Professor Mark Philp, Chair of the Research Advisory Board provided a note as part of the Committee's [response](#) which highlighted the broad issue of the complex nature of this offence, as well as commenting on the distinction between public and political office and on the issue of sanctions.

MPs' Code of Conduct

Parliamentary Commissioner's Consultation

56. On 21 January 2016 the Independent Parliamentary Commissioner, Kathryn Hudson, launched a public consultation exercise to review the current Code of Conduct for MPs. The Committee was asked to respond to the consultation, which comprised a set of questions ranging from what the overall purpose of the code should be, to whether the Commissioner should be able to investigate alleged breaches of the general principles of conduct.

57. The Committee's response argued that the Code's purpose should be to establish the standards and principles of conduct expected of all Members and to set the rules which underpin these standards.

58. Additionally the response made the case for a principles-based approach to the Code, arguing that leadership is essential in promoting and supporting the seven principles, and that the Code of Conduct should reinforce these fundamental values.

59. More specifically, the Committee restated the view that the House needs an Independent Commissioner as her role in overseeing registering interests and investigating breaches remains key in the Commons standards system. Breaches of the Code are the most public aspect of the role and we stated that it is essential that a mechanism for their investigation remain in place.

Oral Evidence

60. Lord Bew also [gave evidence](#) on 15 March 2016 to the Parliamentary Standards Committee which is exploring the same issue of the code of conduct alongside the Commissioner's own review. Prior to this appearance, Lord Bew gave an interview with *the Daily Telegraph* where he stated his support for the Committee as well as the importance of input from lay members.

61. During the session, Lord Bew highlighted the strengths of the Code while suggesting it remains open to improvement. He reiterated the role of induction for MPs as well as the repeating the Committee's position that lay members of the Parliamentary Standards Committee should be given voting rights, or at the least that their views should be made public. He also supported the suggestion that the Parliamentary Commissioner be given more power to investigate breaches of the Nolan principles.

Consultation on Review of Public Appointments Process – Grimstone Review



62. On 2 July 2015 the Minister for the Cabinet Office announced that Sir Gerry Grimstone would lead a review of the Office of the Commissioner for Public Appointments. Although the Office of the Commissioner for Public Appointments is technically not a public body, the review followed the guidance on conducting a triennial review.
63. On 29 October 2015, the Committee published its [contribution](#) to Sir Gerry's review. With regards to the role of Commissioner, the Committee stated that, given the role of public scepticism around appointments, it is firmly of the view that the Commissioner's role is still required. The Committee sees no case to depart from the model of a Commissioner for Public Appointments who is demonstrably independent of government and the civil service and can provide effective, external scrutiny. This model has gained broad acceptance and recognition and has stood the test of time. However, we added that this does not mean that more cannot be done to improve the way in which these important appointments are made.
64. The Committee also stated that, in the interests of transparency for stakeholders and the public alike, the Committee believes there should be a separation of post holders between Public Appointments Commissioner and the First Civil Service Commissioner.
65. Sir Gerry Grimstone's report was published on 11 March 2016, and on 17 March the Committee welcomed the [announcement](#) of the Rt Hon Peter Riddell CBE as the preferred candidate for Commissioner for Public Appointments.
66. We welcomed the proposals in Sir Gerry Grimstone's [report](#) to improve the transparency of the public appointment process. However, the Committee expressed its unease about the cumulative effect of the other changes suggested in the Grimstone review.

67. The Committee stated it fears the changes will remove some of the independent checks and balances of the public appointments process, and may have the unintended effect of offering limited protection for Ministers who wish to demonstrate they have appointed on merit alone.
68. The Committee will be looking at the Grimstone report's recommendations in more detail. The Public Administration and Constitutional Affairs Select Committee (PACAC) offered its qualified support to the appointment of Peter Riddell as the Commissioner for Public Appointments. PACAC expressed its concern that the changes proposed by Grimstone may be leading to an increasing politicisation of senior public appointments. They added that they would report on their inquiry into the Grimstone proposals after the Code of Practice for Public Appointments and a new Order-in-Council have been published. In fact PACAC reported in July and requested the Government to think again about implementing the proposals.
69. Our Committee noted that the Government will be seeking further views and bringing forward changes in the Code of Governance and we hope to work with them and Peter to help address these risks.

STANDARDS CHECK

In addition to the specific areas of inquiry outlined above, we have also maintained an interest in other standards issues during this year:

Party Funding

70. The debate prompted by the Trade Union Bill has brought renewed prominence to the issue of party funding in Britain. As noted above, this is a topic that the Committee has reported on previously, most recently in [2011](#). One of the key conclusions the Committee reached at the time was that the system, while not corrupt, was perceived to be corruptible. And our research showed that the public were highly sceptical of the motivations of all big donors; regardless of whether they were individuals, trades unions or organisations.
71. The package the Committee put forward required all parties to accept some challenging measures in the interests of the health of democracy in this country. The package also proposed an extra £25m of public funding, which the Committee recognised was a significant request in an incredibly difficult financial climate.
72. Once the report was published, with dissenting notes from both Margaret Beckett MP and Oliver Heald MP, the three main parties convened talks. Despite the fact that reform of party funding was in all three parties' manifestos and in the Coalition agreement, the talks failed.
73. The Committee has maintained an interest in this issue and, as stated in our [last report](#), the Chair wrote to each party following the 2015 general election inviting them to re-convene discussion on party funding; particularly in the light of public dissatisfaction with the political process as evidenced by the Hansard Audit. Unfortunately the response we received to this request was not as forthcoming as we would have hoped and these talks were not held.
74. Given the time that has elapsed since that last report, we have decided to return to the topic of party funding in order to gauge the key developments in what has been a rapidly evolving context. To this end the Committee arranged for questions on party funding to be included in the British Election Study, results of which will be available in Summer 2016. In addition, we have also commissioned Dr Michael Pinto-Duschinsky to [update his previous contributions on this topic](#). These steps will enable the Committee to gauge the current public opinion on party funding, as well as refining its position to contribute to the debate.

Parliamentary Standards

75. The Committee continues to contribute to the issue of Parliamentary Standards. As noted above we responded to the Parliamentary Commissioner's review into the current Code of Conduct for MPs, as well as giving evidence at a session by the Parliamentary Standards Committee which was exploring the same issue. In addition we will be contributing to the Independent Parliamentary Standards Authority's consultation on MPs' scheme of business costs and expenses.
76. The Committee continues to stress role of guidance, education and training on the rules and principles of the standards regime particularly with regard to recall. The public remain highly critical of MPs and are unlikely to accept ignorance of the principles or the rules as a defence in cases of alleged misconduct and, for their part, MPs are unlikely to accept unclear advice on opaque rules. We welcome the recent appointment of four additional lay members to the House of Commons Committee on Standards, which results in an equal number of MPs and lay members on the committee.
77. The Parliamentary Standards Commissioner (the post recommended by this Committee) and the Standards Committee will need to continue the work started with the House Authorities and the political parties on induction training to raise awareness and understanding of a clear and transparent standards regime amongst MPs.

Local Government Standards

78. The Committee on Standards in Public Life has a long-standing interest in local government standards. In our 2014/15 [Annual Report](#) we stated that the Committee had agreed at the time of the Localism Act to maintain a watching brief on:
 - the need for a mandatory code of conduct,
 - strong local leadership,
 - effective independent persons; and,
 - concern at the lack of sanctions.
79. We continue to note that there is some evidence to suggest that the role of the independent person is generally well received and that vexatious complaints are falling. However, the effectiveness of the sanctions regime is still a concern.

80. The Committee maintains a watching brief of national and local media on this issue, as well as correspondence. We receive correspondence both from members of the public, Councils and councillors on this issue. This correspondence includes, for example, calls for a national code of conduct, strengthened guidelines or sanctions or a power of recall.
81. The Committee promotes the Seven Principles as consistent descriptors of ethical standards which represent common standards and core values. They can then be translated into outcome focused, locally based rules, codes or methods of implementation which are flexible enough to adapt to changing circumstances. We continue to invite councils to consider whether their own local standards frameworks are sufficient to address standards breaches and build public trust.
82. We will continue to liaise with the relevant stakeholders on the way in which ethical standards can effectively be embedded in all parts of local government.

Civil Service and government

83. The Committee has, over the years, made a number of recommendations relating to the regulatory regime for appointments to the Civil Service and how best to achieve high standards of conduct and propriety by civil servants. Many of these recommendations have been adopted.⁴ In October 2014, the Committee responded to the Triennial Review of the Civil Service Commission. We argued that there is a continuing need for the Civil Service Commission, specifically as an independent body, with its remit and the regulatory arrangements for Civil Service appointments, as well as the Civil Service Code values of honesty, integrity, impartiality and objectivity, remaining on a statutory basis.
84. On 11 March 2016, the Government published Sir Gerry Grimstone's [review](#) of the Public Appointments Process. As stated above, the Committee's response was to welcome the review, while expressing unease about the cumulative effect of some of its recommendations.
85. On 7 April 2016, the Committee submitted evidence to the Public Administration and Constitutional Affairs Committee (PACAC) inquiry on the review of the public appointments process.

⁴ For example, putting the civil service, the Civil Service Code and the principle of appointment on merit after a fair and open competition on a statutory basis (First Report, Sixth Report, Ninth Report); an active role for the (then) Civil Service Commissioners in scrutinising the maintenance and use of the Civil Service Code, particularly in induction and training (Ninth Report); convergence between the regulatory regime of the (then) Civil Service Commissioners and the Commissioner for Public Appointments (Tenth Report).

86. Our submission welcomed the Government's intention to seek further views and consult on the Code of Governance, as the quality of the Code will be vital in ensuring the success of the new system. However the Committee continued to express its unease, about the potential cumulative effect of the changes proposed in the review. The Committee fears that, taken together, the changes proposed may remove too many of the checks and balances on Ministerial powers in relation to the public appointments process. In addition, our concerns are greater where the public appointment is to a sensitive or high profile organisation and in particular appointments to regulatory bodies.

REPRESENTATIONS, SPEECHES AND COMMUNICATION

87. The Committee continues to maintain an international profile in the field of standards promotion in terms of exemplifying an effective principles-based approach to standards in public life. As has been the case in previous years, the Committee has found that the UK has a high international reputation in such matters and many other countries wish to learn from our experience. The Committee will continue to host international delegations, visiting civil servants, scholars and students to explain how the standards framework operates in the UK. The Committee will also continue contributing to the research base on standards, trust and compliance, both by working with national and international institutions and scholars, and conducting in-house research.
88. Over the course of the year, the Chair has spoken at a number of events on standards issues, promoting the work of the Committee and the importance of the Seven Principles of Public Life and providing other examples of best practice, including:
- 07/09/2015 – Police Superintendents Association
 - 16/09/2015 – Policing in Northern Ireland
 - 08/10/2015 – Solace Annual Summit
 - 14/10/2015 – Public Chairs Forum
 - 28/10/2015 – CoPaCC – PCCs and Transparency
 - 12/11/2015 – Westminster Abbey Institute
 - 01/03/2016 – Induction for new peers
 - 08/03/2016 – Inside Government – Improving Leadership, Ethics and Accountability in Local Policing
 - 14/06/2016 – Policing and Ethics Conference – Bath Spa University
89. Other Committee and Secretariat members also spoke about the work of the Committee and standards issues in a range of contexts including:
- 14/03/2016 – Police and Crime Panelists at an LGA Workshop – Patricia Moberly and Monisha Shah
 - 15/03/2016 – CoPaCC PCC Candidate National Briefing Day – Monisha Shah

90. The Committee has been proactive in promoting the Seven Principles of Public Life through responses to a number of consultations including:
- Parliamentary Commissioner’s Consultation – MP’s Code of Conduct
 - Law Commission: Misconduct in Public Office Review
 - Review of Public Appointments Process – Grimstone Review
91. The secretariat receives and responds regularly to public enquires and correspondence on standards issues, including requests under the Freedom of Information Act 2000.

Communications

92. Between 1 September 2015 and 31 July 2016, the Committee’s corporate website on Gov.uk (<https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>) received 14,420 visits, totalling 19,871 page views. The Seven Principles of Public Life page (<https://www.gov.uk/government/publications/the-7-principles-of-public-life>) was viewed 42,267 times over this period.
93. We will continue to ensure that we communicate our work effectively, making it visible to public office holders and others with an interest in ethical standards. Recommendations will be targeted, specific and followed up as appropriate. We will contribute to relevant policy debates where we can add an informed and distinctive voice. We will engage in constructive dialogue with key stakeholders including ethical regulators. We will ensure our website provides an effective means of communicating our views and activities.

Policy on openness

94. In its first report, the Committee defined the Seven Principles of Public Life. The Committee has always sought to implement these principles in its own work, including the principle of Openness.
95. The Secretary of the Committee has responsibility for the operation and maintenance of the Committee’s publication scheme under the Freedom of Information Act 2000. Most of the information held by the Committee is readily available, and does not require a Freedom of Information Act request before it can be accessed. The Committee can be contacted in writing, by email, by telephone or by fax. The public can also access information via the Committee’s website. Requests for information under the Freedom of Information Act should be made to the Secretary to the Committee at the following address:

Committee on Standards in Public Life

Room GC.05

1 Horse Guards Road

London

SW1A 2HQ

public@public-standards.gov.uk

Areas of Interest

96. In addition to following up on our recent reports, which considered a series of standards issues that raised significant ethical risks we will continue to track and monitor and, where necessary, intervene and maintain a watching brief on the issues set out in Standards Check.
97. Given our limited resources, the Committee will need to be very focused on the particular areas it devotes attention to during the next 12 months. We have identified the following topics which will allow the Committee to fulfil its remit, while operating within the context of a reduced budget and secretariat:

Operation of Referenda

98. On 16 July 2015 Lord Bew gave evidence to the Public Administration and Constitutional Affairs Committee (PACAC) inquiry into Purdah and Impartiality.
99. The inquiry focused on the proposal in the EU Referendum Bill to disapply Section 125 of the Political Parties and Referendum Act 2000 (PPERA 2000) which sets out the statutory rules which apply to the 28 day purdah period in the run up to the Referendum.
100. Lord Bew reiterated the Committee's support for the ethos of Section 125. The Section was a response to the Committee's own recommendation from the 1998 report which stated "The Government of the day in future referendums should, as a Government, remain neutral and should not distribute at public expense literature, even purportedly 'factual' literature, setting out or otherwise promoting its case".
101. Following the EU referendum, the Committee received a number of complaints from members of the public regarding the conduct of both remain and leave camps during the campaign. PACAC opened an inquiry into lessons learned from the referendum;⁵ the inquiry ran from July to September 2016. Given the timescale of the inquiry and that this issue is a matter of public concern of direct relevance to the Committee, we have decided that the topic requires ongoing review and analysis. We wrote to the Chair of PACAC to explain our plans.
102. We intend to work with interested parties, to co-host a seminar on this issue in the latter half of 2016. The seminar will look at key issues arising from the operation of referenda to identify possible areas for research.

⁵ <http://www.parliament.uk/business/committees/committees-a-z/commons-select/public-administration-and-constitutional-affairs-committee/news-parliament-2015/lessons-learned-eu-referendum-launch-16-17/>

Ethical Standards for Providers of Public Services

103. In June 2014, the Committee published its report Ethical Standards for Providers of Public Services which considered what standards of ethical conduct should be expected from those third-party organisations providing public service. The report was followed by a short guidance document, published in December 2015. We now intend to follow up that work to review whether awareness of the need for ethical standards in the delivery of public services has changed. We will talk to government departments to review the current position and intend to report by Spring 2017.

Local Government

104. The Committee regularly receives correspondence on the issue of ethical standards in local government, at both officer and elected member level. So, looking further ahead, we intend to undertake a review to clarify the topics of substantive concern, research the underlying causes and to identify best practice in well-governed authorities. This work will straddle the Committee's work programme for 2016/17 and 2017/18.

Party funding

105. It is clear that party funding remains a live ethical issue of concern for the public around the confluence of money, power and influence. It is a significant issue of public concern that has not gone away and cannot be resolved without the political will to do so. The Committee remains committed to helping inform the debate. Lord Bew reported to the Select Committee in February 2016 that the Committee would undertake further research on the topic.

106. The Committee will publish in 2016 data from the BES questions on party funding.

107. These steps will help the Committee to gauge current public opinion on party funding, as well as considering whether any further work might be possible.

APPENDIX 1: ABOUT THE COMMITTEE

Our remit

On 25 October 1994, the then Prime Minister, the Rt Hon John Major MP, announced the setting up of the Committee on Standards in Public Life with the following terms of reference:

“To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.

For these purposes, public office should include: ministers, civil servants and advisers; Members of Parliament and UK Members of the European Parliament; members and senior officers of all non-departmental public bodies and of national health service bodies; non-ministerial office holders; members and other senior officers of other bodies discharging publicly-funded functions; and elected members and senior officers of local authorities.”⁶

On 12 November 1997 the terms of reference were extended by the then Prime Minister, the Rt Hon Tony Blair MP:

“To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements.”⁷

On 5 February 2013 the terms of reference were clarified by the Government in two respects:

“...in future the Committee should not inquire into matters relating to the devolved legislatures and governments except with the agreement of those bodies.”

“...the Committee’s remit to examine ‘standards of conduct of all holders of public office’ [encompasses] all those involved in the delivery of public services, not solely those appointed or elected to public office.”⁸

Our remit does not allow us to investigate individual allegations of misconduct. That is usually the role of the relevant regulator. We do, however, seek to draw any general lessons that can be learned from individual instances.

⁶ Hansard (HC) 25 October 1994, col. 758

⁷ Hansard (HC) 12 November 1997, col. 899

⁸ Hansard (HC) 5 February 2013, col. 7WS

Our members

Committee members are appointed for a three year term, with the possibility of reappointment. The current four independent members were recruited for a five year non-renewable term. The Chair is also appointed for a single non-renewable five year term.

Chair: Lord Paul Bew

Appointed: 1 September 2013 **Term ends:** 31 August 2018

Paul Bew joined Queen's University Belfast in 1979 and was made Professor of Irish Politics in 1991. He acted as historical adviser to the Bloody Sunday Inquiry between 1998 and 2001 and was appointed as a non-party-political peer by the independent House of Lords Appointments Commission in February 2007 following his contributions to the Good Friday Agreement. In 2007 he served on the Local London Authority Bill Select Committee and in 2011 served on the Joint Committee on the Defamation Bill, which addressed key issues of academic freedom. He chaired the independent review of Key Stage 2 (SATs) provision in England which reported in 2011 and was accepted by the government. He also served on the Joint Committee on Parliamentary Privilege which produced its report on in July 2013. Lord Bew continues to teach Irish History and Politics at the School of Politics, International Studies and Philosophy at Queen's University. Among Lord Bew's many publications is the Ireland volume of the Oxford History of Modern Europe.

Members active in 2014–2015

Lord Alderdice

Appointed: 1 September 2010 **Reappointed:** 1 September 2013 **Term ends:** 31 August 2016

John Alderdice is a fellow of the Royal College of Psychiatrists. He led the Alliance Party and was President of the European Liberal, Democrat and Reform Party and or Vice President of Liberal International. He was one of the negotiators of the Good Friday Agreement. Raised to the peerage on October 1996, he took his seat on the Liberal Democrat benches in the House of Lords on 5 November that year. In 1998 Lord Alderdice was elected member for Belfast East and appointed Speaker of the Northern Ireland Assembly. In 2004 he was appointed as a Commissioner for the newly established Independent Monitoring Commission. He is currently a Senior Research Fellow and Director of the Centre for the Resolution of Intractable Conflict at Harris Manchester College, Oxford, and a Clinical Professor in the Department of Psychology at the University of Maryland. He is also the Chairman and a Director of the Centre for Democracy and Peace Building (based in Belfast) and President of ARTIS (Europe) Ltd, a research and risk analysis company.

Rt Hon Dame Margaret Beckett DBE MP

Appointed: 1 November 2010 **Reappointed:** 1 November 2013 **Term ends:** 31 October 2016

Margaret Beckett has been Labour MP for Derby South since 1983. She was Secretary of State for Trade and Industry 1997–1998, President of the Council and Leader of the House of Commons 1998–2001, Secretary of State for Environment, Food and Rural Affairs 2001–2006, for Foreign Affairs 2006–2007, Minister for Housing and Planning (attending Cabinet), Department for Communities and Local Government 2008–2009. She has also been Chair of the Intelligence and Security Committee. Margaret is a member of the Labour National Executive Committee and Chair of the Joint Committee on National Security Strategy.

Patricia Moberly

Appointed: 17 May 2012 **Term ends:** 1 September 2016

Patricia Moberly was Chair of Guy's and St Thomas' NHS Foundation Trust from 1999 to 2011. During her previous career as a schoolteacher, she worked in secondary schools in London and Zambia, and was Head of the Sixth Form at Pimlico School from 1985 to 1998. She served on the National Executive of the Anti-Apartheid Movement, was a member of Area and District Health Authorities and of the General Medical Council, a local councillor and a magistrate. Currently she is a prison visitor and serves on an advisory panel to the Secretary of State for Transport on drink and drug driving. She is a panellist for the Judicial Appointments Commission.

Sheila Drew Smith OBE

Appointed: 17 May 2012 **Term ends:** 16 May 2017

Sheila Drew Smith OBE is an economist by background. She was an independent assessor for public appointments (OCPA) from 1997 to 2012 and undertakes selection work in the private sector. She is the Chair of the National Approved Letting Scheme and a committee member for Safe Agents. She is also a member of the appointments panel of the Bar Standards Board, the Member Selection Panel of Network Rail, an independent panel member for RICS and a number of other regulatory bodies. She was a board member of the Housing Corporation between 2002 and 2008, the Audit Commission between 2004 and 2010, and the Infrastructure Planning Commission and the Office of the Regulator of Social Housing until March 2012. Prior to this she was a partner in the predecessor firms of PricewaterhouseCoopers working in the UK and internationally. Her earlier career was in the civil service.

Dame Angela Watkinson DBE MP

Appointed: 30 November 2012 **Term ends:** 30 November 2017

After an early career in banking and a family career break, Dame Angela Watkinson worked for several local authorities in special education and central services. She has served as a councillor for both the London Borough of Havering and an Essex County Council. Angela was elected as Conservative MP for Upminster in 2001 and continues to serve her enlarged constituency of Hornchurch and Upminster. She has spent most of her

Parliamentary Career as a Whip, and Lord Commissioner to the Treasury. Angela is also a member of the Parliamentary Assembly of the Council of Europe.

Richard Thomas CBE

Appointed: 17 May 2012 **Term ends:** 16 May 2017

Richard Thomas CBE LL.D. was the Information Commissioner from November from 2002 to 2009 and the Chairman of the Administrative Justice and Tribunals Council (AJTC) from 2009 to 2013. He is currently a Strategy Adviser to the Centre for Information Policy Leadership and has served as Deputy Chairman of the Consumers Association, as Trustee of the Whitehall and Industry Group, and as Board Member of the International Association of Privacy Professionals (IAPP). During his earlier career his roles included Director of Consumer Affairs at the Office of Fair Trading from 1986 to 1992 and Director of Public Policy at Clifford Chance, the international law firm, from 1992 to 2002.

Members appointed in 2015

Monisha Shah

Appointed: 1 December 2015 **Term ends:** 30 November 2020

Monisha took up post on 1 December for a five year term. She is Chair of Rose Bruford College of Theatre and Performance, non-executive director of Imagen Ltd, Cambridge, and independent non-executive director, Next Mediaworks Plc, India.

Monisha served as Trustee of Tate until July 2015. She was also Tate's Liaison Trustee to the National Gallery Board from June 2013. In July 2013, she joined the Board of the Foundling Museum. She has served on several councils and committees for all of the above, including Nominations, Governance, Remuneration, Digital Media, Ethics and Freedom of Information. Monisha has served on several panels as an Independent Member, including Triennial Reviews of the British Council and the British Film Institute, and the appointments panel for the Chair of the BFI.

Monisha's last executive role was with BBC Worldwide, where she worked for 10 years. She was Director of Sales for Emerging Markets, including Europe, Middle East, India and Africa where she was responsible for the exploitation of British intellectual property across television, radio, digital media and publishing. She represented BBC Worldwide on several Boards including joint ventures for radio and magazines. She stepped down from this role in 2010.

Monisha is a graduate of the University of Bombay, India; she also has a post-graduate degree from SOAS, and an executive MBA from the London Business School. She was elected Young Global Leader by the World Economic Forum in February 2009.

Research Advisory Board

The Committee’s work is supported by a Research Advisory Board. The current Board members are:

- **Professor Mark Philp** (Chairman), Professor, Director of the European History Research Centre, Dissertation Coordinator, Department of History, University of Warwick
- **Dr Jean Martin**, Senior Research Fellow, Social Inequality and Survey Methods, Department of Sociology, University of Oxford
- **Professor Cees van der Eijk**, Professor of Social Science Research Methods, Director of Social Sciences Methods and Data Institute, University of Nottingham
- **Dr Wendy Sykes**, Director of Independent Social Research Ltd (ISR) and Member of the SRA implementation group on commissioning social research.

Members’ attendance (1 April 2015 – 31 March 2016)

The table below shows the total number of meetings that each member of the Committee could have attended and the number they actually attended.

Name	Possible meetings	Actual meetings
Lord Bew	10	10
Lord Alderdice	10	4
Rt Hon Dame Margaret Beckett DBE MP	10	8
Patricia Moberly	10	10
Richard Thomas	10	9
David Prince	4	2
Sheila Drew Smith OBE	10	10
Dame Angela Watkinson DBE MP	10	9
Carolyn Fairbairn	4	4
Monisha Shah CBE	3	3

In addition to the monthly Committee meetings, all members attend a variety of other meetings and briefings in relation to the business of the Committee.

Remuneration

Committee members who do not already receive a salary from public funds for the days in question may claim £240 for each day they work on committee business. The Chair is paid on the basis of a non-pensionable salary of £500 per day, with the expectation that he should commit an average of 2–3 days a month, although this can increase significantly during Committee inquiries. All members are reimbursed for expenses necessarily incurred.

For the period 1 April 2015 to 1 March 2016 committee members other than the Chair claimed a total of £34,897.13 in fees and expenses.

In total, the Chair claimed £15,373.52 in fees and expenses.

Code of Practice

In accordance with the best practice recommended in its first report, members of the Committee formally adopted a code of practice in March 1999. The code is available on the website and has been reviewed periodically by the Committee, most recently in July 2011. The Code is required to be reviewed once during the tenure of each Chair. The Code is currently under review and an updated version will be published in the second half of 2016. Members provide details of any interests that might impinge on the work of the Committee through the Committee's register of interests, also available on the website at <https://www.gov.uk/government/publications/register-of-interests>

APPENDIX 2: FINANCIAL INFORMATION

Expenditure	2014–2015 (£)	2015–2016 (£)
Staff costs and fees	254,950	218,009.44
Other running costs	124,000	85,423.49
Total net expenditure	378,950	303,432.93

As an advisory Non-Departmental Public Body (NDPB), the Committee receives its delegated budget from the Cabinet Office. The Cabinet Office Accounting Officer has personal responsibility for the regularity and propriety of the Cabinet Office vote. Day-to-day responsibility for financial controls and budgetary mechanisms are delegated to the secretary of the Committee including responsibility for certain levels of authorisation and methods of control. Creation of all new posts and the use of external resources are subject to the approval of the Cabinet Office Approvals Board.

The Secretary and the rest of the secretariat are permanent civil servants employed by the Cabinet Office or on secondment from other departments.

Whilst the core secretariat has been reduced to three, the Secretary can and has used the budget to buy-in additional time limited resource to service specific inquiries and reviews. This level of resource necessarily constrains the choices the Committee makes in relation to its work programme and, together with the time taken to secure approvals, affects its ability to respond quickly and comprehensively to standards issues as they emerge.

The Secretary to the Committee is responsible for setting out the outputs and outcomes which the Committee plans to deliver with the resources for which they have delegated authority, and for reporting regularly on resource usage and success in delivering those plans. The Secretary is also responsible for maintaining a robust system of internal control over the resources she has delegated authority, and for providing the accounting officer with assurances that those controls are effective.

For the year 2014–15 the Committee's budget allocation was £400,000. There was an under spend of £21 050. The main causes of this underspend were savings generated by small forecast underspends on pay costs and press officer services. Both of the projects on the two most recent reports also ran into the current financial year.

APPENDIX 3: REPORTS AND PUBLICATIONS

The Committee has published the following reports:

- Ethics for Regulators – (Cm XXX) (July 2016)
- Tone from the top – leadership ethics and accountability in policing (Cm 9057) (June 2015)
- Ethics in Practice: Promoting Ethical Standards in Public Life (July 2014)
- Ethical standards for providers of public services (June 2014)
- Strengthening transparency around lobbying (November 2013)
- Standards matter: A review of best practice in promoting good behaviour in public life (Fourteenth Report (Cm 8519)) (January 2013)
- Political Party Finance – Ending the big donor culture (Thirteenth Report (Cm 8208)) (November 2011)
- MPs' Expenses and Allowances: Supporting Parliament, Safeguarding the Taxpayer (Twelfth Report (Cm7724)) (November 2009)
- Review of the Electoral Commission (Eleventh Report (Cm7006)) (January 2007)
- Getting the Balance Right: Implementing Standards of Conduct in Public Life (Tenth Report (Cm6407)) (January 2005)
- Defining the Boundaries within the Executive: Ministers, Special Advisers and the permanent Civil Service (Ninth Report (Cm 5775)) (April 2003)
- Standards of Conduct in the House of Commons (Eighth Report (Cm 5663)) (November 2002)
- The First Seven Reports – A Review of Progress – a stock-take of the action taken on each of the 308 recommendations made in the Committee's seven reports since 1994 (September 2001)
- Standards of Conduct in the House of Lords (Seventh Report (Cm 4903)) (November 2000)
- Reinforcing Standards (Sixth Report (Cm 4557)) (January 2000)
- The Funding of Political Parties in the United Kingdom (Fifth Report (Cm 4057)) (October 1998)
- Review of Standards of Conduct in Executive Non-Departmental Public Bodies (NDPBs), NHS Trusts and Local Public Spending Bodies (Fourth Report) (November 1997)
- Standards of Conduct in Local Government in England, Scotland and Wales (Third Report (Cm 3702)) (July 1997)
- Local Public Spending Bodies (Second Report (Cm 3270)) (June 1996)

- Standards in Public Life (First Report (Cm 2850)) (May 1995)

Since 2004, the Committee has also undertaken four biennial surveys of public attitudes towards conduct in public life. Findings were published in 2004, 2006, 2008, 2011 and 2013.

Annual Report 2015–16 and Business Plan 2016–17

Published electronically by the Committee on Standards in Public Life

The Committee on Standards in Public Life

Room GC05

1 Horse Guards Road

London SW1A 2HQ

Tel: 020 7271 2948

Internet: <https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>

Email: public@public-standards.gov.uk

July 2016

This page is intentionally left blank