



Standards Committee
Wednesday, 30th November, 2022 at 10.00 am
in the Council Chamber, Town Hall, Saturday Market
Place, King's Lynn PE30 5DQ

Reports marked to follow on the Agenda and/or Supplementary Documents

1. **Report from the Monitoring Officer on the Local Government Association's Model Code of Conduct and Connected Guidance**
(Pages 2 - 7)

Proposed Additions to Code of Conduct Documents

Contact

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STANDARDS COMMITTEE

TABLE OF PROPOSED CHANGES TO LGA MODEL CODE OF CONDUCT FOR ADOPTION BY BCKLWN AS ITS CODE OF CONDUCT:

No.	Agenda Page	Section of Code	Proposed change/action
1	37	Front page	Delete: whole page and Replace with: BCKLWN logo in right hand corner and the following title in middle of page: <i>'The Borough Council of King's Lynn and West Norfolk's Councillor Code of Conduct.'</i>
2	38	'Introduction'	Delete: Whole section entitled 'Introduction'
3		'Definitions'	Underneath definition of 'local authority' Add: <i>'Council Body means, as the context dictates: Full Council, Cabinet, all Panels/Committees/Boards contained in the Council's Constitution including all sub-committees, task groups and informal working groups.</i> <i>Council Company/Companies means any company registered with Companies House in which the Council is a shareholder (company limited by shares) or owner (company limited by guarantee)'</i>
4	38	Underneath 'Definitions'	Add: 'Glossary <i>The following terms in this Code shall be interpreted as follows:</i> Must: Mandatory on all occasions Require: Mandatory on all occasions Should: Mandatory unless an objectively justified reason not to'
5	39	'General Principles	After: <i>"....should uphold the Seven Principles of Public Life, also known as the Nolan Principles."</i> Add:

		of Public Life' Para 1	<i>'As a Councillor, you are required to uphold and comply with the Nolan Principles, which are set out in full at Appendix A. Failure to do so may be treated as a breach of this Code of Conduct.'</i>
6	40	'Standards of Councillor Conduct'	<p>Delete: <i>"This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor."</i></p> <p>Replace with: <i>'This section sets out your obligations which, in addition to compliance with the Nolan Principles, are the minimum standards of conduct required of you as a councillor.'</i></p> <p>After: <i>"Guidance is included to help explain the reasons for the obligations and how they should be followed."</i> Add:</p> <p><i>'The Local Government Association has published full guidance in relation to their Model Code of Conduct, which this Code closely reflects. It is recommended that you review and consider this guidance. This guidance will be used as an interpretation tool in the consideration of any complaint that the Code of Conduct has been breached.</i></p> <p><i>The full guidance can be accessed at the following:</i></p> <p>https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct '</p>
7	41	'Confidentiality and access to information'	<p>Delete: Paragraph 4.1</p> <p>Replace with:</p> <p><i>'4.1 I do not disclose information given to me in confidence by anyone unless:</i></p> <ul style="list-style-type: none"> <i>a. I have received the consent of a person authorised to give it;</i> <i>b. I am required by law to do so;</i> <i>c. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or</i> <i>d. the disclosure is:</i> <ul style="list-style-type: none"> <i>i. reasonable and in the public interest; and</i> <i>ii. made in good faith and in compliance with the reasonable requirements of the local authority; and</i>

			<i>iii. I have consulted the Monitoring Officer prior to its release.'</i>
8	42	'Disrepute'	After "5.1 I do not bring my role or local authority into disrepute..." Add: '... by behaviour which is considered dishonest, deceitful or physically harmful to another person.'
9	44	Underneath para 10	After the Gifts and Hospitality section Add: '11. Other Expected Behaviours 11.1 <i>Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.</i> 11.2 <i>Behaving in accordance with all our legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources.'</i>
10	43	'Interests'	After "Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer." Add: '9.2 I will not act in my capacity as a Councillor when I have a conflict of interest or where a fair-minded and informed observer would conclude that I am biased towards an interest to such extent that it would impair my ability to make a decision in the public interest and/or the Council's interest. <i>The legislation and this Code set out requirements on declaring interests in advance on your published Register of Interests, which are confined to financial interests. These advanced published declared interests are, however, not the only interests that may arise when acting as a Councillor and which you will need to be alive to and take appropriate mitigating action on when they arise. For example, your best friend may have a 'premises licence' application going before a Licensing Committee on which you have been asked to sit, you have a very strong personal grievance with an applicant on a Planning Committee agenda, or you may be appointed to the Board of an outside body by the Council and a situation arises where your interests as a Councillor and your interests as a Board Member are competing.</i> <i>Not every interest automatically generates a conflict of interest. In determining whether there is a conflict of interest</i>

			<i>and what action should be taken, you should refer to the 'Interest Flowchart' at Appendix C.'</i>
11	46	Definitions of <i>"Disclosable Pecuniary Interest"</i> and <i>"Partner"</i>	Move these definitions from this location to page 38 – section entitled 'Definitions' and place underneath the definition for "Council Company/Companies".
12	46	Para numbered 5	Delete all and Replace with: <i>'5. Where you have a Disclosable Pecuniary Interest on a matter to be considered or is being considered by you as a member of any Council Body in exercise of your role on that Council Body, you must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.'</i>
13	46	Header <i>'Disclosure of Other Registerable Interests'</i>	Delete and Replace with: <i>'Disclosure of Extended Registerable Interests'</i>
14	46	Para numbered 6.	Delete all and Replace with: <i>'6. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Extended Registerable Interests (as set out in Table 2), you must disclose the interest. You must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation by the Standards Committee. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.'</i>
151	47	Header <i>'Disclosure of Non-Registerable Interests'</i>	Delete and Replace with: <i>'Disclosure of Other Interests'</i>
16	47	Para numbered 7.	Delete: "You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you...."

			Replace with: "You...."
17	47	Para numbered 8.c.	Delete "Disclosure of Other Registerable Interests" and Replace with: 'Disclosure of Extended Registerable Interests'
18	47	Para numbered 9.b.	Delete: "a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest" Replace with: 'a fair-minded and informed observer would conclude that you are biased towards an interest to such extent that it would impair your ability to make a decision in the public interest and/or the Council's interest'
19	47	Para numbered 9.	Delete: "You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you...." Replace with: "You...."
20	47	Para numbered 10.	Delete all and Replace with: <i>'13. Where you have an Extended Pecuniary Interest or an applicable Other Interest on a matter to be considered or is being considered by you as a member of any Council Body in exercise of your role on that Council Body, you must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.</i>
21	47	Underneath all of para number 9.	Add: <i>'10. Where a matter arises at a meeting of a Council Body which relates to a Council Company of which you are a director or relates to an outside body to which you are appointed by the Council, you must declare your interest. You must assess and make clear in the discussions which capacity you are speaking in at the meeting, either as a Councillor or director/member of outside body. You may take part in the discussions as a member of the relevant Council Body or under your Member rights to speak, unless there is a conflict between any competing interests of the Council and the Council Company/outside body, or a fair-minded and informed observer would conclude that there was, in which case you must not take part in any discussion in your capacity as a Councillor and the Chair of the Council Body can determine if they wish you to remain the room. You must not vote even where you remain and take part in the discussions.</i>

			<p>11. <i>If any other interest arises which makes you feel conflicted to act, such that you do not consider you could approach your duties in a fair, impartial, objective or open manner, then you have a conflict of interest and should not act or take any further steps in the matter apart from arranging for someone else to deal with it. If you are at a meeting you should declare your interest and not participate in the discussions or vote.</i></p> <p>12. <i>If any other interest that arises which you consider a fair-minded and informed observer would conclude that you are biased towards an interest to such extent that it would impair your ability to make a decision in the public interest and/or the Council's interest, then you should not act or take any further steps in the matter apart from arranging for someone else to deal with it. If you are at a meeting you should declare your interest and not participate in the discussions or vote.'</i></p>
22	50	Table 2: Other Registerable Interests	<p>In header Delete: "Other" and Replace with 'Extended'</p> <p>In the Table 2:</p> <p>After "a) any unpaid directorships" Add: '(excluding the Council's Companies)'</p> <p>Delete: "b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority"</p> <p>Renumber c) so that it becomes b)</p>