

## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Panel:</b>	Conduct Advisory Panel
<b>Date:</b>	24 October 2019
<b>Title:</b>	Local Government Ethical Standards and Members' Code of Conduct
<b>Report From:</b>	Head of Law and Governance and Monitoring Officer

**Contact name:** Barbara Beardwell

**Tel:** 01962 845330

**Email:** Barbara.Beardwell@hants.gov.uk

#### Purpose of this Report

1. The purpose of this report is to inform Members about the recommendations and best practice proposed by the Committee on Standards in Public Life (CSPL) as a result of its review into Local Government Ethical Standards.
2. The recommendations made by the CSPL are principally directed at the Government and call for legislative change before any action is required by local authorities. The best practice points however are specifically directed at local authorities and are considered by the CSPL to be the benchmark of good ethical practice. The CSPL expects all local authorities to be able to implement these best practice points.
3. This report considers the CSPL best practice as it affects the County Council. Some suggestions by the CPSL would require changes to be made to the County Council's Code of Conduct for Members (the Code of Conduct). However one of the recommendations is that the Local Government Association (LGA) create an updated model Code of Conduct which can be adopted by local authorities. It is therefore proposed that this is considered further in due course after publication by the LGA of a model Code of Conduct. Any changes to the Code of Conduct for the County Council would require full Council approval following consideration by the Conduct Advisory Panel in accordance with Part 1, Chapter 9, Paragraph 1.3.1 of the Constitution.
4. In the meantime, some best practice suggestions by the CPSL affect the County Council's [Arrangements for the Assessment, Investigation and Determination of Complaints that a Member or Co-opted Member of the County Council has failed to comply with the Code of Conduct for Members](#) (the Arrangements) which were adopted by the Conduct Advisory Panel on

30 October 2012. The Conduct Advisory Panel has delegated authority to determine arrangements for the assessment, investigation and determination of allegations of breach of the Code of Conduct for Members by virtue of [part 1, chapter 9, paragraph 1.3.3](#) of the Constitution. Should the Conduct Advisory Panel agree with the suggested revisions to the Arrangements recommended in this report these can be approved.

## **Recommendations**

It is recommended that the Conduct Advisory Panel:

5. Agree that, once the updated model Local Government Code of Conduct has been published, the County Council's Code of Conduct for Members should be reviewed to take account of the new model provisions and to adopt best practice points 1 and 2 of the Committee on Standards in Public Life's review of Local Government Ethical Standards;
6. Agree that thereafter the revised Code of Conduct be presented to the Conduct Advisory Panel for approval and recommendation to the County Council;
7. Approve the proposed amendments to paragraphs 2.6, 10.2 and 12.2 and 12.2.1 of the County Council's Arrangements for the Assessment, Investigation and Determination of Complaints that a Member or Co-opted Member of the County Council has failed to comply with the Code of Conduct for Members as set out in Appendix C; and
8. Request that the Head of Law and Governance and Monitoring Officer bring best practice point 14 of the Committee on Standards in Public Life's report to the attention of the Audit Committee at the time the Committee next considers the County Council's Annual Governance Statement.

## **Executive Summary**

9. In 2018 the CSPL consulted local authorities as part of a review of standards arrangements in local government across the country.
10. The County Council provided its response to the CSPL consultation in March 2018 in consultation with the Chair of the Conduct Advisory Panel.
11. The terms of reference for the CSPL review were to:
  1. *Examine the structures, processes and practices in local government in England for:*
    - a. *Maintaining codes of conduct for local councillors;*
    - b. *Investigating alleged breaches fairly and with due process;*
    - c. *Enforcing codes and imposing sanctions for misconduct;*
    - d. *Declaring interests and managing conflicts of interest; and*

*e. Whistleblowing.*

- 2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;*
  - 3. Make any recommendations for how they can be improved; and*
  - 4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.*
12. The CSPL review concluded with 26 recommendations for improvement being made to Government and external bodies, in addition to 15 areas of best practice directed at local authorities.
  13. The Executive Summary of the report published by the CSPL is included as Appendix A. The full report can be found via the following link:- <https://www.gov.uk/government/collections/local-government-ethical-standards#report>
  14. The focus of this report is the best practice points identified by the CSPL as local authorities can choose to adopt these immediately.
  15. The table below sets out each of the CSPL best practice points, together with information about the County Council's current practice and any recommendations for action.
  16. The recommendations made by the CSPL are appended to this report at Appendix B. Whilst no actions regarding these are currently being proposed, as responses to the recommendations must first be made by external parties, this report considers recommendations 11, 23 and 25.
  17. There are no financial implications or budgetary requirements in respect of any action proposed in this report.

### **Contextual Information**

18. The CSPL is an advisory body which is sponsored by the Cabinet Office to monitor and report on issues relating to standards of conduct in public life.
19. In 2018 the CSPL undertook a review of the current standards framework in England which was established by the Localism Act 2011.
20. Within the current framework local authorities have the discretion to develop their own standards procedures according to their own needs and resources. The CSPL review was therefore considered necessary in order to examine the effectiveness of these local arrangements across the country.
21. The outcome of the review by CSPL was to make recommendations to various responsible bodies in order to improve current standards.
22. Best practice improvements, described by the CSPL as the 'benchmark of good ethical practice', were also directed at local authorities with the expectation that these would be implemented before the CSPL carries out a review of implementation in 2020.

23. The table below sets out the CSPL best practice recommendations in the left hand column, information about the County Council's current practice in the middle column and any recommended actions in the right hand column.
24. In summary it is considered that the County Council's practice generally adheres to the CSPL list of best practice but it is proposed that a few issues be addressed as part of a review of the Code of Conduct.
25. In terms of the timing of a review of the Code of Conduct for Members, one of the CSPL recommendations directed at the Local Government Association (LGA) is to create an updated model code of conduct which can be adapted by local authorities. It is understood from officers of the LGA that the LGA is progressing work on this and it is anticipated that some public documentation will be available in Autumn 2020. It is therefore proposed that any amendments to the Code of Conduct follow the publication of the model code in order to avoid multiple reviews of the Code of Conduct being required.

### **CPSL Best Practice Points**

	<b>Best Practice</b>	<b>The County Council's Position</b>	<b>Recommendations</b>
<b>1</b>	Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	<p>The County Council has not to date been required to address allegations of bullying or harassment by its Members and has not therefore included specific references to this type of behaviour within the Code of Conduct.</p> <p>There are however existing provisions within the Code of Conduct which would encompass bullying and harassment. These provisions (para 3.14) require Members to treat "all people and organisations with respect and propriety.</p> <p>It is likely that allegations of bullying or harassment would, if proven, constitute a breach of this part of the Code of Conduct however to be consistent with the CSPL's best practice this form of misconduct could be specifically addressed in the Code of Conduct.</p> <p>It is proposed that, once the LGA's updated model code of conduct has been published, a review of the Code of Conduct be carried out with a view to adopting best practice point 1.</p>	Members are asked to consider recommending to the County Council that, once the Local Government's model code of conduct has been published, the County Council's Code of Conduct for Members be reviewed with a view to adopting best practice point 1 of the Committee on Standards in Public Life's review of Local Government Ethical Standards.

	<b>Best Practice</b>	<b>The County Council's Position</b>	<b>Recommendations</b>
<b>2</b>	<p>Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.</p>	<p>The Code of Conduct does not expressly include provisions requiring Members to comply with standards investigations or to prohibit them from raising trivial or malicious allegations against each other but these are not issues that the County Council has been required to address in practice.</p> <p>The Code of Conduct does however oblige Members to behave “in accordance with all the County Council’s legal obligations, the County Council’s policies, protocols and procedures’ (para 3.9).</p> <p>This creates an obligation on Members to comply with standards investigations as the Arrangements document is an official County Council procedure.</p> <p>It is considered that this is sufficient for the purposes of this best practice point.</p> <p>The Code of Conduct also requires Members to value their “colleagues and Officers of the County Council” and to engage with them “in an appropriate manner” (para 3.13). It also requires them to treat “all people and organisations with respect and propriety” (para 3.14).</p> <p>This creates a culture of respect within the County Council, with partners and with members of the public.</p> <p>However, it is considered that a reference to trivial and malicious allegations by Councillors should be included in the Code of Conduct to be consistent with the CSPL’s best practice.</p>	<p>Members are asked to consider recommending to the County Council that, once the Local Government’s model code of conduct has been published, the County Council’s Code of Conduct for Members be reviewed with a view to adopting best practice point 2 of the Committee on Standards in Public Life’s review of Local Government Ethical Standards.</p>

	<b>Best Practice</b>	<b>The County Council's Position</b>	<b>Recommendations</b>
<b>3</b>	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.	<p>The Code of Conduct is kept under continuous review by the Monitoring Officer with any changes being proposed as required (e.g. because of legislative change).</p> <p>The CSPL do not explain their reasons for this best practice point. Reviewing the Code of Conduct each year would involve a significant amount of Member and Officer time and none of the County Council experience to date has indicated a need for this. It is therefore proposed that the County Council continues its current practice with regard to reviewing the Code of Conduct.</p> <p>In respect of consultations and seeking the views of members of the public, work has been undertaken with neighbouring authorities to agree some standard provisions in the councils' respective codes of conduct. It is not proposed to seek the individual views of members of the public.</p>	No action required.
<b>4</b>	An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.	<p>Details of the Arrangements are included on the County Council's website under the heading "Making a comment, suggestion or complaint". This is three clicks away from the County Council's homepage.</p> <p>Whilst reference is made to the Code of Conduct on this page, the document can only be accessed separately through the Constitution. A link to the Code of Conduct on the page headed "Making a comment, suggestion or complaint" would therefore make the Code of Conduct more prominent for the purposes of this best practice point. Officers have actioned this and therefore no further action is recommended.</p>	No action required.

	<b>Best Practice</b>	<b>The County Council's Position</b>	<b>Recommendations</b>
<b>5</b>	<p>Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.</p>	<p>Part 4 of the Code of Conduct requires Members to notify the County Council's Monitoring Officer of any gift or hospitality they receive within 28 days where that gift or hospitality has an estimated value of at least £50. Once the Monitoring Officer has been notified, the Register is promptly updated.</p> <p>It is proposed that these provisions are sufficient to comply with this best practice point as they allow for the Code of Conduct to be updated more frequently than recommended by the CSPL.</p> <p>In addition, each Member's declaration of interest is published as a pdf document alongside their information on the County Council's website. The complete list of Members (from which this information can be accessed) is only three clicks from the County Council's homepage and it is therefore considered that this is consistent with the accessibility best practice.</p>	<p>No action required.</p>

	<b>Best Practice</b>	<b>The County Council's Position</b>	<b>Recommendations</b>
<b>6</b>	<p>Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	<p>After a complaint about Member conduct is received and validated by the County Council's Monitoring Officer, the Arrangements provide (at para 4) for an Initial Assessment to be carried out by the Monitoring Officer in consultation with the Chair of the Conduct Advisory Panel and an Independent Person.</p> <p>The purpose of the Initial Assessment is to decide whether the complaint should be rejected or considered further by an Assessment Panel.</p> <p>The criteria against which the complaint is assessed is published in para 4.4 of the Arrangements and includes a test for public interest at para 4.4.5 which states "Is the public interest served in referring the complaint further? Has the subject Member offered an apology or other remedial action?".</p> <p>In the absence of a statutory definition of public interest it is considered that the test of public interest within the County Council's criteria is already clear and straightforward. It has also been in effect since its implementation, by the Conduct Advisory Panel, on 30 October 2012 without any difficulties being expressed as to its meaning.</p> <p>It is considered that the provisions within the arrangements are therefore consistent with this best practice point pending any detailed guidance from the LGA or other source.</p>	<p>No action required.</p>



	<b>Best Practice</b>	<b>The County Council's Position</b>	<b>Recommendations</b>
<b>7</b>	Local authorities should have access to at least two Independent Persons.	<p>The County Council makes provision within its Constitution for the appointment of Independent Persons in accordance with the Localism Act 2011. The County Council has appointed two such Independent Persons on this basis, both of whom are available for the purposes of dealing with Member complaints.</p> <p>It is therefore considered that the County Council's provisions are consistent with this best practice point.</p>	No action required.
<b>8</b>	An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	<p>The Arrangements require the Chair of the Conduct Advisory Panel and an Independent Person to be consulted after a complaint is validated by the Monitoring Officer. The views the Independent Person are therefore taken into account regarding the allegations made against Members before a decision is made to either reject the complaint or for it to be referred for further consideration by an Assessment Panel.</p> <p>It is therefore considered that the County Council' Arrangements are consistent with this best practice point.</p>	No action required.

	<b>Best Practice</b>	<b>The County Council's Position</b>	<b>Recommendations</b>
<b>9</b>	<p>Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.</p>	<p>Although there is provision for every Panel meeting stage to be open to the press and public, the Arrangements currently only allow for the publication of findings after a determination is made by the Hearing Panel that a subject Member has failed to comply with the Code of Conduct (para 12 of the Arrangements). The Hearing Panel may choose whether to publish its findings and what form that publication should take.</p> <p>There are no provisions within the Arrangements for publication of any decision made by the Hearing Panel that there was no failure by the subject Member to comply with the Code of Conduct which arguably would be required to be consistent with this best practice point.</p> <p>In addition, there is no provision within the Arrangements for the opinion of the Independent Person to be published at any point.</p> <p>In order to better reflect this best practice point, it is proposed that the existing provisions in the Arrangements be extended to allow the Hearing Panel to publish a decision notice even where there is no failure by the subject Member to comply with the Code of Conduct.</p> <p>It is considered that the reference to a decision notice is wider than the current provision which refers to the Hearing Panel's 'findings' and that this can encompass the list of information that the best practice point recommends should be included.</p> <p>It is not proposed that there be a requirement to publish the decision in all cases as it is considered this is a matter for the Hearing Panel to determine on a case by case basis, taking into account any representations made in this regard.</p>	<p>Members are recommended to approve the proposed amendments to paragraphs 10 and 12 of the County Council's Arrangements for the Assessment, Investigation and Determination of Complaints that a Member or Co-opted Member of the County Council has failed to comply with the Code of Conduct for Members as set out in Appendix C.</p>

		<p>Prior to a complaint progressing to a Hearing Panel, the Arrangements make provision for an Investigation Consideration Panel to consider a report about the complaint from an Investigating Officer (who may be an Officer of the County Council or an external investigator). The Investigation Consideration Panel can conclude that the complaint can be disposed of by informal resolution. The Arrangements then explain (at para 10.2) that this decision means that the Investigation Consideration Panel consider that the conduct of the subject Member has not been in accordance with the Code of Conduct.</p> <p>Such a conclusion by the Investigation Consideration Panel is considered to fall within the remit of this best practice point and require the publication of a decision notice. It is suggested that this decision notice, which would inevitably feature the finding of fault, would discourage subject Members from engaging with an informal resolution and would ultimately make informal resolutions less likely at this stage.</p> <p>It is therefore proposed that the Arrangements be amended to remove the finding of fault at this stage of the Arrangements. It is anticipated that this will have the effect of bringing the conclusions of the Investigation Consideration Panel out from within the remit of this best practice point so that a decision notice will no longer be necessary.</p> <p>Finally, it is recommended that the Arrangements be amended to make provision, where the Panel determines it appropriate, for the publication of a summary of the Independent Person's view as part of the decision notice of the Hearing Panel where there is a finding of no failure by the subject Member to comply with the Code of Conduct.</p>	
--	--	---	--

	<b>Best Practice</b>	<b>The County Council's Position</b>	<b>Recommendations</b>
<b>10</b>	<p>A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.</p>	<p>The County Council provides guidance on its website about how complaints may be made against Members and what the arrangements for dealing with those complaints are.</p> <p>This guidance is three intuitive clicks away from the County Council's homepage. It is suggested that this complies with the requirement for this guidance to be accessible in accordance with this best practice point.</p> <p>There are some timescales in the Arrangements (relating to acknowledgement of the complaint, initial validation, the outcome of the Initial Assessment and the outcome of the Assessment Panel) but not in relation to the investigation or subsequent Panel stages. Whilst complaints are always dealt with as promptly as possible, the speed at which a complaint can be progressed is often dependent on the nature and complexity of the complaint (e.g. whether it involves conduct at non-County Council meetings or involves multiple witnesses).</p> <p>It is therefore considered that the prescription of timescales or estimates regarding the complaints process is likely to be misleading to the complainant and could have the effect of deterring complainants from pursuing complaints.</p> <p>Whilst Members are not asked to take any action regarding this best practice point at this stage, the issue can be reconsidered in the light of any guidance published by the LGA or by other sources in response to this CSPL best practice recommendation.</p>	<p>No action required.</p>

	<b>Best Practice</b>	<b>The County Council's Position</b>	<b>Recommendations</b>
<b>11</b>	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.	This best practice point is not relevant for the County Council.	
<b>12</b>	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.	This best practice point is not relevant for the County Council.	

	<b>Best Practice</b>	<b>The County Council's Position</b>	<b>Recommendations</b>
<b>13</b>	<p>A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.</p>	<p>It is reasonably foreseeable that there may be a conflict of interest in respect of Member complaints affecting the Monitoring Officer (e.g. where a Member has acted in accordance with the Monitoring Officer's advice and has subsequently been complained about).</p> <p>Where a conflict, or potential conflict, arises the Monitoring Officer would, in practice, delegate the handling of the complaint to the Deputy Monitoring Officer or another governance lawyer.</p> <p>In light of this best practice point however, and also because the Chartered Institute of Public Finance and Accountancy (CIPFA) considers that it is good governance to have policies in place to deal with conflicts of interest and to communicate these effectively, it is proposed that the arrangements for dealing with complaints about Member conduct are amended to make express provision for the Monitoring Officer where s/he considers s/he has an actual or potential conflict of interest to delegate authority to the Deputy Monitoring Officer or other suitably qualified and experienced officer any or all of the MO's functions under the arrangements.</p> <p>Regarding investigations the Arrangements currently permit the County Council's Monitoring Officer to appoint an external investigating officer, it is not therefore considered that any amendment in this regard is necessary.</p>	<p>Members are recommended to approve the proposed amendments to paragraph 2 of the County Council's Arrangements for the Assessment, Investigation and Determination of Complaints that a Member or Co-opted Member of the County Council has failed to comply with the Code of Conduct for Members as set out in Appendix C.</p>

	<b>Best Practice</b>	<b>The County Council's Position</b>	<b>Recommendations</b>
<b>14</b>	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.	<p>The County Council has a number of joint ventures with other local authorities, such as the Hampshire and Kent Commercial Services LLP with Kent County Council for the temporary and contract recruitment of staff; and "Manydown Garden Communities LLP" with Basingstoke and Dean Borough Council for the development of new homes at Manydown.</p> <p>The approval of the Annual Governance Statement falls within the remit of the County Council's Audit Committee and it is therefore proposed that the Monitoring Officer be asked to draw the attention of the Audit Committee to this aspect of the CSPL's report.</p>	It is recommended that Members ask the Monitoring Officer to bring this aspect of the Committee on Standards in Public Life's report to the attention of the Audit Committee at the time the Committee next considers the County Council's Annual Governance Statement.
<b>15</b>	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	The County Council's Monitoring Officer has open access to all group leaders and, in addition, has quarterly meetings with statutory officers and opposition group leaders. Any issues regarding standards are discussed during those meetings, as appropriate.	No action required.

### **CSPL Recommendations**

26. In addition to the best practice points (above) the CSPL made 26 recommendations directed at the Government, the Local Government Association, political groups, local authorities and Parish Councils. The vast majority of these recommendations require legislative or other change which may take some time to progress,
27. The recommendations can be seen in full at Appendix B of this Report.
28. Members are asked in particular to consider recommendations 11 and 23 which it is considered can be actioned now by local authorities.
29. Recommendation 11 concerns indemnities being provided by local authorities to Independent Persons if their views or advice are disclosed. If accepted by the Government, this recommendation could be implemented using secondary legislation. The County Council has however already brought Independent Persons within the scope of the indemnity provided to Members

and Officers and no further action is therefore currently proposed in respect of this recommendation.

30. Recommendation 23 proposes that the Local Government Transparency Code be updated to ensure the whistleblowing policies of local authorities specify a named contact for the external auditor, together with their contact details, on the authority's website. This could be implemented at the discretion of the County Council and has therefore been drawn to the attention of the County Council's Human Resources department.
31. Finally, Members will note that recommendation 25 proposes that Councillors should attend formal induction training by their political groups. Members may therefore wish to bring this to the attention of the County Council's political groups as their national parties are recommended to include this provision within their model group rules.

### **Consultation and Equalities**

32. No equality impact has been identified.

### **Conclusion**

33. The County Council's practices in relation to standards of conduct are already consistent with the majority of the best practice recommendations made by the CSPL. It is considered that the recommended actions are an appropriate response for the County Council to make to the best practice recommendations in the light of the County Council's experiences to date.



## REQUIRED CORPORATE AND LEGAL INFORMATION:

**This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:** the County Council must consider the outcome of the review by the Committee on Standards in Public Life for the good governance of the County Council.

### Other Significant Links

<b>Links to previous Member decisions:</b>	
<u>Title</u>	<u>Date</u>
<a href="#">Localism Act 2011 - Standards Update</a>	2 March 2012
<a href="#">Localism Act 2011 - Revised Standards Arrangements</a>	30 April 2012
<a href="#">Localism Act 2011 – Interim Standards Arrangements</a>	17 May 2012
<a href="#">Localism Act 2011 - Revised Standards Arrangements – Interim</a>	15 June 2012
<a href="#">Code of Conduct for Members of the County Council and related Matters</a>	
Localism Act 2011 – <a href="#">Draft</a> Code of Conduct for Members of the County Council	4 July 2012
<a href="#">Revised Standards Arrangements – new Code of Conduct for Members of the County Council Revised Arrangements for the Assessment, Investigation and Determination of Complaints of breach of the new Code of Conduct for Members of the County Council</a>	19 July 2012
<a href="#">Revised Arrangements for the Assessment, Investigation and Determination of Complaints of Breach of the New Code of Conduct for members of the County Council</a>	4 September 2012
<a href="#">Revised Arrangements Regarding Breach of the New Code of Conduct for Members and Co-opted Members of the County Council</a>	30 October 2012
<a href="#">Arrangements for the Assessment, Investigation and Determination of Complaints of Breach of the Code of Conduct for Members – Convening of Sub-Committees</a>	20 February 2014
<a href="#">Localism Act 2011 – Revised Draft Code of Conduct for Members and Co-opted Members of the County Council</a>	30 May 2014
<a href="#">Amendment of the Localism Act 2011 requiring a change to the Arrangements for the Assessment, Investigation and Determination of Complaints of Breach of the Code of Conduct for Members of the County Council</a>	1 December 2017
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>
<a href="#">Localism Act</a>	2011
<a href="#">Localism Act 2011 (Commencement No. 6 and Transitional Savings and Transitory Provisions Order)</a>	2012

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

Document

Location

None

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

The actions recommended to the Conduct Advisory Panel in this report concern the Code of Conduct for Members and the Arrangements for dealing with complaints where it is alleged that a Member has failed to comply with that Code of Conduct. None of these actions affect groups with protected characteristics.