



Oversight and Governance

Chief Executive's Department
Plymouth City Council
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Published 21 March 2022

CITY COUNCIL – SUPPLEMENT PACK 2 (TO FOLLOW PAPERS)

Monday 21 March 2022
2.00 pm
Council House, Plymouth

Members are invited to attend the above meeting to consider the items of business overleaf.

For further information on attending Council meetings and how to engage in the democratic process please follow this link - [Get Involved](#)

Tracey Lee
Chief Executive

City Council

4. Appointments to Committees, Outside Bodies etc (Pages 1 - 6)

The Assistant Chief Executive will submit a schedule of vacancies on committees, outside bodies etc and of changes notified to us.

7. Public consultation regarding the Council's electoral cycle (to follow): (Pages 7 - 16)

8. Taxi Licensing Policy (Pages 17 - 18)

Due to the significant amount of background material in support of this paper, it has not been published as part of the agenda, [the following papers are available at this link](#). The additional appendix follows scrutiny consideration of the policy.

9. Scrutiny Annual Report: (Pages 19 - 36)

11. Revisions to the Members' Code of Conduct: (Pages 37 - 54)

City Council



Date of meeting: 21 March 2022
Title of Report: **Political Proportionality**
Lead Strategic Director: Giles Perritt (Assistant Chief Executive)
Author: Ross Jago, Head of Governance Performance and Risk
Contact Email: Ross.jago@plymouth.gov.uk
Your Reference: AC3.22/23
Key Decision: No
Confidentiality: Part I - Official

Purpose of Report

The purpose of this report is to advise Council of changes to the political proportionality of the Council and membership of committees.

The proposed proportionality meets the required principles so far as reasonably practicable, therefore a simple majority is required to approve.

Recommendations and Reasons

That Council approves the changes to committee membership set out at Appendix A of this report following changes in the political proportionality of the Council.

Reason: To maintain clarity of the Council's committee structure and membership

Alternative options considered and rejected

None. The Council is required to conduct proportionality reviews under Section 15 of the Local Government and Housing Act 1989.

Relevance to the Corporate Plan and/or the Plymouth Plan

Clarity on appointments to committees ensures that key projects and activities can be progressed in line with the Corporate and Plymouth Plans.

Implications for the Medium Term Financial Plan and Resource Implications:

None arising directly from this report.

Financial Implications:

None arising directly from this report.

Carbon Footprint (Environmental) Implications:

None arising directly from this report.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

None arising directly from this report.

Appendices

*Add rows as required to box below

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
		1	2	3	4	5	6	7
A								
B								

Background papers:

*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable) If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
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Sign off:

Fin		Leg	LS/38 297/A C/18/ 3/22	Mon Off	LS/38 297/A C/18/ 3/22	HR		Asset s		Strat Proc	
Originating Senior Leadership Team member: Giles Perritt (Assistant Chief Executive)											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 25/02/2022											

APPENDIX A – COMMITTEE APPOINTMENTS AND PROPORTIONALITY MARCH 2022



1. PURPOSE

- 1.1. This paper follows recent changes to the Conservative Group which have a bearing on the overall proportionality of the council.

2. LEGISLATIVE REQUIREMENTS OF PROPORTIONALITY

- 2.1. Section 15 (5) of the Local Government and Housing Act 1989 imposes a duty on Councils to review the representation of different political groups on bodies to which the Council makes appointments. The Act requires that the review should be held at the Annual General Meeting or as soon as practicable after that meeting or when the membership of the Council changes.
- 2.2. The Act provides four principles concerning political representation that must be observed as far as reasonably practicable when conducting a review. These are:
- a) that not all the seats on committees are allocated to the same political group;
 - b) that the majority of the seats on each committee are allocated to a particular political group if the number of persons belonging to that group are a majority of the authority's membership;
 - c) subject to (a) and (b), that the number of seats on committees which are allocated to each group bears the same proportion to the total of all the seats on committees of the council as is borne by the number of members of that group to the membership of the authority, and
 - d) Subject to (a) to (c) above, that the number of seats on each committee which are allocated to each political group bears the same proportion to the number of all the seats on that committee as is borne by the number of members of that group to the membership of the authority.
- 2.3. The legislation provides that the Council may agree allocations outside the usual proportionality requirements provided that no member votes against them.
- 2.4. As the proposal detailed in this report does meet the proportionality requirements as far as reasonably practicable only require a simple majority is required.
- 2.5. The Committees and Panels to which the provisions of Section 15 of the Act apply, and the recommended allocation of seats on each, applying the principles of the Act as closely as is reasonably practicable, are shown in Section 2 below. The recommended allocation of seats reflects the four proportionality principles so far as reasonably practicable.

3. OVERALL PROPORTIONALITY 2021/2022 - NUMBER OF SEATS ON COUNCIL

	January 2021	February 2022
Conservative	24 (42.11%)	23 (40.35%)
Labour	23 (40.35%)	23 (40.35%)
Independent #1	1 (1.75%)	1 (1.75%)

Independent #2	1 (1.75%)	1 (1.75%)
Independent #3	1 (1.75%)	1 (1.75%)
Independent #4	1 (1.75%)	1 (1.75%)
Independent #5	1 (1.75%)	1 (1.75%)
Independent #6	1 (1.75%)	1 (1.75%)
Independent #7	1 (1.75%)	1 (1.75%)
Independent #8	1 (1.75%)	1 (1.75%)
Independent #9	1 (1.75%)	1 (1.75%)
Independent #10	1 (1.75%)	1 (1.75%)
Independent #11	N/A	1 (1.75%)

* There are 57 members on Plymouth City Council. The Local Government and Housing Act 1989, which sets out how seats should be allocated to members on a Council, describes the distribution of seats between the political Groups into which the Council has divided itself. There is no seat entitlement to members who are not in a Group. The definition of what constitutes a group on a Council is covered in The Local Government (Committees and Political Groups) Regulations 1990 and can be found in the following link <https://www.legislation.gov.uk/uk/si/1990/1553/part/III/made>

A single representative does not constitute a Group which is defined as a number of persons bound together by common interests. As such, a single Member is not entitled to any Committee seats. This is consistent with practice previously employed by the Council in similar circumstances.

3.1. The application of the legislative principles is set out below:

Local Government Act 1989 – Principles	Is this principle met?
a. that not all the seats on committees are allocated to the same political group	Principle Met - Seats will be allocated between Labour and Conservative Groups
b. that the majority of the seats on each committee are allocated to a particular political group if the number of persons belonging to that group are a majority of the authority's membership;	Principle met - as far as reasonably practicable (there is no majority group) due to the inclusion of the Tamar Bridge and Torpoint Ferry (on which we are unable to equalise numbers) in proportionality calculations we are unable to meet this principle fully.
c. subject to (a) and (b), that the number of seats on committees which are allocated to each group bears the same proportion to the total of all the seats on committees of the council as is borne by the number of members of that group to the membership of the authority;	Principle met - as far as reasonably practicable due to the inclusion of the Tamar Bridge and Torpoint Ferry (on which we are unable to equalise numbers) in proportionality calculations we are unable to meet this principle fully
d. Subject to (a) to (c) above, that the number of seats on each committee which are allocated to each political group bears the same proportion to the number of all the seats on that committee as is borne by the number	Principle met -as far as reasonably practicable, there is no majority group. Due to the inclusion of the Tamar Bridge and Torpoint Ferry in proportionality calculations we are unable to meet this principle fully.

of members of that group to the membership of the authority.	
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4. 2021/22 ALLOCATION ACROSS COMMITTEES

	January 2021					March 2022				
	Con	Prop	Lab	Prop	Total	Con	Prop	Lab	Prop	Total
Councillors	24	42.11%	23	40.35%	49 (of 57)	23	40.35%	23	40.35%	46 (of 57)
Seats Allocation as % membership	48 (48.00)		46 (45.99)		98 of 114 total seat	45 (44.78)		45 (44.78)		90 of 111 total seat
Planning	7	53.8%	6	46.2%	13	6 (-1)	50.0%	6	50.0%	12 (-1)
Taxi Licensing	4	50.0%	4	50.0%	8	4	50.0%	4	50.0%	8
Licensing	8	53.3%	7	46.7%	15	7 (-1)	50.0%	7	50.0%	14 (-1)
Chief Officer Appointments	4	57.1%	3	42.9%	7	3 (-1)	50.0%	3	50.0%	6 (-1)
Chief Officer Appeals	3	50.0%	3	50.0%	6	3	50.0%	3	50.0%	6
Chief Officer Disciplinary	3	50.0%	3	50.0%	6	3	50.0%	3	50.0%	6
Audit and Governance	3	50.0%	3	50.0%	6	3	50.0%	3	50.0%	6
Tamar Bridge	3	60.0%	2	40.0%	5	3	40.0%	2	60%	5
Police and Crime Panel	2	100%	0	0.0%	2	1 (-1)	50.0%	1 (+1)	50.0%	2
BILCO Scrutiny	4	50.0%	6	50.0%	10	5 (+1)	50.0%	5 (-1)	50.0%	10
Performance, Scrutiny	4	50.0%	6	50.0%	10	5 (+1)	50.0%	5 (-1)	50.0%	10
Children's Scrutiny	5	50.0%	5	50.0%	10	5	50.0%	5	50.0%	10
Health & Care Scrutiny	5	50.0%	5	50.0%	10	5	50.0%	5	50.0%	10
Management Board	2	50.0%	2	50.0%	4	2	50.0%	2	50.0%	4
HoSW Scrutiny	1	50.0%	1	50.0%	2	1	50.0%	1	50.0%	2
Total seats allocated	58	50.9%	56	49.1%	114	56	50.45%	55	49.54%	111
Seats over allocation	12		8			11		10		

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City Council



Date of meeting:	21 March 2022
Title of Report:	Public consultation regarding the Council's electoral cycle
Lead Cabinet Member:	Councillor John Riley
Lead Strategic Director:	Giles Perritt (Assistant Chief Executive)
Author:	Giles Perritt (Assistant Chief Executive)
Contact Email:	Giles.perritt@plymouth.gov.uk
Your Reference:	Electoral Cycle 2022
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

To seek the Council's endorsement of a public consultation using powers available under Section 116 of the Local Government Act 2003, between June and August 2022. This consultation will engage with stakeholders across the city on the issue of moving from the current electoral cycle of elections 'by thirds' to whole council elections.

The use of powers under Section 116 of the Local Government Act 2003, does not in any way bind the authority to seeking a resolution to amend the election cycle. The result of any consultation or advisory poll conducted under the act is advisory in nature, and does not commit the council or any other entity to a particular course of action.

Recommendations and Reasons

1. That Council resolves to undertake a public engagement consultation using its powers under Section 116 of the Local Government Act 2003 between June and August 2022 on the issue of moving from the current electoral cycle of elections to 'whole council' elections once every four years.
2. That Council delegates to the Audit and Governance Committee approval of the planned implementation of the consultation, in particular who will be consulted/engaged with and how.

Reason:

To better understand public and stakeholder views on either retaining the current arrangements of elections 'by thirds' taking place in three years out of four, or on moving to a cycle of 'all out' elections once every four years.

Alternative options considered and rejected

To not undertake a public consultation. This would mean that the Council would not have the benefit of a formal record of public and stakeholder views about the Council's electoral arrangements to inform future consideration of the matter.

Relevance to the Corporate Plan and/or the Plymouth Plan

The Corporate Plan commits the Council to engaging with and listening to our residents, businesses and communities. The Council's values include a commitment to Plymouth being a place where people can have their say about what is important to them, and where they are empowered to make change happen. The recommendations of this report seek to deliver these commitments in respect of a key element of the Council's democratic arrangements.

Implications for the Medium Term Financial Plan and Resource Implications:

The costs associated with a public consultation and analysis of the results, likely to be in the region of £26k will be met from within existing revenue resources. The financial implications of any change to the Council's electoral cycle are referenced within the accompanying briefing report, but do not arise as a result of the recommendation of this report, as the results of the consultation exercise would not be binding on the Council, and any decision about changing the electoral cycle would be a matter for future consideration by the Council.

Financial Risks: None directly arising from the recommendations of this report as referenced above.

Carbon Footprint (Environmental) Implications:

Subject to the decision of Council in June 2022, the consultation will take place largely on-line, reducing reliance on printed media, although paper copies will be available where necessary.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

** When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

An equalities impact assessment will be undertaken to ensure that the consultation will be carried out with due regard to facilitating participation by those with protected characteristics under the Equality Act 2010. Subject to the recommendations of this report being agreed, this would be considered by the Council in June 2022.

Appendices

**Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Briefing report							

Background papers:

**Add rows as required to box below*

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable)
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				If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
				1	2	3	4	5	6	7

Sign off:

Fin	ba.21. 22.30 0	Leg	LS/38 223/A C/8/3 /22	Mon Off		HR		Asset s		Strat Proc	
Originating Senior Leadership Team member: Giles Perritt (Assistant Chief Executive)											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 18/03/2022											

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Appendix A

Electoral Cycles Briefing Report

1. Introduction

- 1.1. Plymouth City Council has operated its current electoral cycle of 'election by thirds' since 2003, before which a cycle of 'all out' elections every four years was in place.
- 1.2. The current administration has requested that the Council seeks feedback from the public and other city stakeholders as to whether the current electoral cycle best serves the Council and the city.
- 1.3. Legislative change introduced under the Local Government and Public Involvement in Health Act 2007 and amended by the Localism Act 2011 provided Local Authorities with the option of changing their electoral cycle.
- 1.4. This briefing sets out the policy, financial and legal context relating to local government electoral cycles and arrangements for consultation.
- 1.5. The Local Government Boundary Commission for England has informed the Council that it wishes to carry out an electoral review of Plymouth City Council. The process and implication of this are covered in section seven of this report.

2. Cycles of local government elections in England

- 2.1. Plymouth City Council has 57 Councillors and currently elects by thirds. This means that one third of the Councillors are elected to office in three years out of four, and in the fourth year there are no elections, which is known as a fallow year.
- 2.2. Election by halves is where half of the Councillors are elected every 2 years. Whole council (all out) elections are where all Councillors are elected to office once every four years.
- 2.3. Currently 333 councils in England hold all out elections. 103 councils elect by thirds. Seven (7) councils elect by halves.¹
- 2.4. Plymouth City Council is one of 16 out of 55 Unitary Authorities in England which elects by thirds. The remaining 39 hold all out elections every fourth year. No unitary authority holds elections by halves. Amongst metropolitan districts, 33 of 36 elect by thirds.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/920186/Election_Timetable_in_England_2019.pdf (updated to take account of Derby City Council's recent adoption of all out elections).

- 2.5. Of the 29 local authorities in the South West Region, 26 councils hold all out elections, two (2) by thirds and one (1) by halves.

3. Policy context and comparisons

- 3.1. The Electoral Commission, the independent body which oversees elections, recommended in its publication '[The cycle of local government elections' \(2004\)](#) that local authorities 'in England should hold whole council elections, with all councillors elected simultaneously, once every four years'.²
- 3.2. The Electoral Commission recommended a move back to whole council elections in order to provide "stronger local democracy", "greater clarity" for the electorate and to encourage "greater understanding" of elections.
- 3.3. Various studies have been carried out on the impact of different electoral cycles on voter turnout in local elections in England. Because there are a number of other factors affecting turnout in any given year, such as combined local and parliamentary elections, it is difficult to draw strong conclusions. Research commissioned by the Electoral Commission shows that turnout is marginally greater among Councils who conduct all out elections than among those who elect by thirds, based on a comparison between districts, London Boroughs and metropolitan districts.
- 3.4. The table below sets out some of the advantages and disadvantages of each cycle. This includes learning from the Electoral Commission and research from other authorities who have reviewed their election cycle.

	Election by thirds	All out elections
Advantages	<ul style="list-style-type: none"> • Process known and understood. • More opportunities for voters. • Councillors and political parties held to account by voters more regularly • Local issues not confused with national issues. • Allows for gradual change at the Council • Can ensure that the political composition of authorities more accurately reflects the local political context. • Continuity of Councillors. 	<ul style="list-style-type: none"> • Electorate can vote on four-year manifestos and long-term commitments. • Clearer opportunity for the electorate to change the political composition of the Council • Significant cost savings. • Electors more likely to understand the election cycle. • Same electoral cycle as Police and Crime Commissioner and Combined Authority Mayoral elections which take place every four years.

²https://www.electoralcommission.org.uk/sites/default/files/electoral_commission_pdf_file/cycleoflocalelectfinal_11595-9056__E__N__S__W__.pdf

		<ul style="list-style-type: none"> • Less elections may mean less election fatigue and voter apathy.
Dis-advantages	<ul style="list-style-type: none"> • Less stability – regular changes of political control can affect local businesses and Council services. • Confusing for the electorate as to which candidate is to be elected and what the process is. • It is difficult to see through major policy decisions, or large infrastructure or regeneration projects in a single year. • Difficult or unpopular decisions can be put off for future years, rather than taken when needed. • Constant year on year campaigning by Councillors and political parties may lead to voter fatigue and a lack of interest. 	<ul style="list-style-type: none"> • Risk that some electors will disengage. • Risk that such a change would be perceived as less democratic. • A large turnover of Councillors may lead to disruption, particular if the direction of the council is changed significantly. • Political complacency. • May lead to more by-elections taking place and an increase in costs. • Loss of experienced Councillors. • Less frequent elections could be detrimental to encouraging candidates to stand for election as the opportunity to serve on the Council will be less frequent.

4. Election Cycle Financial Implications

- 4.1. To continue with elections by thirds over a ten year period would cost an estimated £2.66 million. Should the Council to move to whole council elections by 2023 it is estimated that this would cost £1.26 million across a 10 year period and save £1.4 million.
- 4.2. It is important to note that were the Council to move to whole council elections, costs for each individual election will rise marginally. Additional costs could include:
- printing costs (ballots papers are likely to be longer);
 - postal vote opening costs;
 - costs at the count (no change for time spent on verification but longer time in sorting and counting of votes) to include additional counting assistants, count supervisors etc.
- 4.3. The estimated revenue cost of running a single all-out election is **£420K**.
- 4.4. The table below provides estimated costs under whole council and election by thirds cycles. It should be noted that the costs in these tables are estimates. Actual

costs and savings may vary depending on the number of by-elections, general elections and Police and Crime Commissioner Elections.

Year	Election/s	All out elections every four years	Elections in thirds
2021	Local		
2022	Local		
2023	Local	£420,000	£380,000
2024	Local, Police & Crime Commissioner, UKPGE?	£0	£200,000
2025	Fallow Year	£0	£0
2026	Local	£0	£380,000
2027	Local	£420,000	£380,000
2028	Local, Police & Crime Commissioner	£0	£280,000
2029	UKPGE?	£0	£0
2030	Local	£0	£380,000
2031	Local	£420,000	£380,000
2032	Local, Police & Crime Commissioner	£0	£280,000
	Total Costs	£1,260,000	£2,660,000

5. Legal Context

- 5.1. Legislative change introduced under the Local Government and Public Involvement in Health Act 2007 and amended by the Localism Act 2011 provides Local Authorities with the option of changing their electoral cycle.
- 5.2. To move to whole council elections, the council must fulfil the requirements of sections 32 – 36 of the Local Government and Public Involvement in Health Act 2007 which relate to consultation and resolution of council.
- 5.3. This requires that the council must not pass any resolution to change its electoral cycle unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change; this is not further prescribed in legislation.

Consultation

- 5.4. The Council must take reasonable steps to engage/consult with those it thinks appropriate on any proposed change. This will include, but is not limited to –
 - the general public / electorate
 - serving Councillors
 - Members of Parliament
 - key city partners

Public Opinion

- 5.5. Section 116 of the Local Government Act 2003 provides a specific power for local authorities to hold local “advisory polls”.
- 5.6. The result of a Section 116 poll is not binding on the council or any other entity. It is purely advisory. It does however provide clear evidence of the public views on the matter being put before them.
- 5.7. Proceeding with a public engagement/consultation does not in any way bind the authority to seeking a resolution to amend the election cycle.
- 5.8. Under Section 116 it is a Council function to determine who to engage/consult and how the engagement/consultation is to be conducted. The Council will need to agree:
- Whether a public engagement/consultation is required?

And if it is:

- the participant/s
- the question; and
- how the public engagement/consultation is to be conducted

6. Decision-Making Process

- 6.1. Following the engagement/consultation process, should councillors be minded to propose a change to the electoral cycle, an extraordinary meeting of the council would be called to consider a report and vote on a resolution.
- 6.2. The resolution must specify the year for the first ordinary elections of the council at which all councillors are to be elected. A two thirds majority would be required, to resolve to move to whole-Council elections.
- 6.3. If the resolution is passed, then the council must produce an explanatory document available for public inspection and give the Local Government Boundary Commission for England notice that it has passed the resolution.
- 6.4. There is then a detailed process for the implementation of the change to the electoral cycle that is detailed through the Act and related guidance.

7. Local Government Boundary Commission for England: Plymouth electoral review

- 7.1. The Council was informed in November 2021 that the Boundary Commission for England intends to undertake an electoral review in Plymouth. This is in line with its duties in law to carry out such a review ‘from time to time’. The last review of this type in Plymouth was in 2001.
- 7.2. The purpose of an electoral review is to consider the number of councillors elected to the council, the names, number and boundaries of the wards and the number of councillors to be elected to each ward.

- 7.3. After the review, the Council will be required to have an 'all out' election, where every seat is contested. The Council has a choice as to whether the review is implemented by an 'all out' election in 2026 or 2027.
- 7.4. The law has changed since the last review took place with the result that, in Councils that elect by thirds, the Commission will seek to return a uniform pattern of three member wards rather than retain the option of two member wards that the Council currently has in Plympton and Drake.
- 7.5. If, before the electoral review starts, the Council resolves to change its electoral cycle to elect 'all out', the Commission will be able to retain a mixture of two and three member wards as currently is the case.

Appendix E**Scrutiny Feedback**

The Taxi Licencing Policy was considered at the Overview and Scrutiny Management Board on the 15 March 2022.

The Board were provided with all documents related to the proposed policy including details and output of the extensive consultation which had been undertaken.

Following a discussion which included topics such as –

- Card payment readers;
- Safeguarding;
- Taxi Livery;
- Removal of badge limits;
- transition to low emission vehicles;
- timing of the interim review.

It was moved and agreed that–

1. the Board broadly endorsed the Taxi Licensing Policy;
2. wheelchair exemption signs should be clearly displayed on vehicles.
3. in order to support the taxi trade in the transition, the Climate Emergency Action Plan should be reviewed in light of the new Taxi Licensing Policy. The Cabinet Member for Environment & Street Scene should investigate whether a financing scheme to assist drivers who wish to make the change to electric vehicles could be developed and the how the necessary infrastructure (siting, speed and prioritisation of recharge facilities) to support taxi trade to decarbonise will be delivered.
4. an interim review of the Taxi Policy to take place in 2.5 years to evaluation the emissions policy;
5. communications campaign should be implemented to encourage new taxi drivers to join the trade.

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City Council



Date of meeting:	22 March 2022
Title of Report:	Scrutiny Annual Report 2021/2022
Lead Member:	Councillor Chris Penberthy
Lead Strategic Director:	Giles Perritt (Assistant Chief Executive)
Author:	Ross Jago (Head of Performance, Governance and Risk)
Contact Email:	Ross.jago@plymouth.gov.uk
Your Reference:	
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

This report details the work Members have conducted on this municipal year and the challenges faced. Our Constitution summarises the purpose of the Council's scrutiny function as follows:

- add value to Council business and decision-making;
- hold the Cabinet to account;
- monitor the budget and performance of services;
- assist the Council in the development of policy and review the effectiveness of the implementation of Council policy;
- review relevant central government policy development and legislation to assess the impact on the City and make recommendations to Cabinet.

The last two years have presented a number of challenges to the Council's four scrutiny committees and the Scrutiny Management Board in delivering against their objectives.

Meetings of scrutiny committees and the Scrutiny Management Board have continued throughout the pandemic. A new administration took control of the Council in May and we welcomed three new scrutiny chairs. Scrutiny has adapted and used the new Corporate Plan as the basis of our scrutiny programme whilst being cognisant of continuing financial constraint and the impact of decision making on the lives of Plymouth's population and the environment.

We want to take this opportunity to thank those who have contributed to the achievements that we have made this year. We know that behind the published results of our work, many hours of discussion, research and debate have taken place through the scrutiny function.

Recommendations and Reasons

That City Council note the Scrutiny Annual Report 2021/2022

Alternative options considered and rejected

None

Relevance to the Corporate Plan and/or the Plymouth Plan

The Scrutiny Committees have considered the themes within the Corporate Plan/Plymouth Plan to ensure that proposals within the budget and business plans are delivered against the council vision.

Implications for the Medium Term Financial Plan and Resource Implications:

None resulting from this report.

Financial Risks

None resulting from this report.

Carbon Footprint (Environmental) Implications:

None resulting from this report.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

** When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

None resulting from this report.

Appendices**Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Scrutiny Annual Report 2021/2022							

Background papers:**Add rows as required to box below*

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

Sign off:

Fin		Leg	LS/33 8306/ AC18 /322	Mon Off		HR		Asset s		Strat Proc	
Originating Senior Leadership Team member: Giles Perritt (Assistant Chief Executive)											
Please confirm the Strategic Director(s) has agreed the report? Yes Date agreed: 18/03/2022											
Scrutiny Chair Approval: Councillor Chris Penberthy (Vice Chair in the Chair of Scrutiny Management Board) Date approved: 18/03/2022											

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Scrutiny Annual Report 2021/2022

Foreword

Over what has been another difficult year, the four scrutiny committees have been working on behalf of Plymouth citizens, seeking reassurance that the council's pandemic response is being delivered effectively.

Despite the ongoing impact of the pandemic, scrutiny has provided opportunities to add value to the Council's decision-making in challenging times.

Restrictions brought about by the pandemic have impacted heavily on normal scrutiny output. To deliver our role we have conducted scrutiny by holding remote online meetings, enabling all scrutiny members to contribute to key policy decisions.

As the Council has emerged from the strictest of social restrictions, our usual task and finish inquiry work has taken a back seat. Over the last year we have built a substantial future work programme and we particularly look forward to addressing many of these items over the next municipal year. In doing this we will be looking at how the Council adapts to the new world, tackles the climate emergency, and improves care for Plymouth's residents as effectively as possible within the budget available.



Councillor David James
Chair, Overview and Scrutiny
Management Board



Councillor Chris Penberthy
Vice Chair, Overview and Scrutiny
Management Board

Councillor David James

This year Councillor David James will step down as a Councillor after 25 years of service to the city.



In addition to representing his residents and serving as Lord Mayor, David has been a long time champion of the scrutiny process.

David has taken the role of Chair, Vice-Chair and a member of many scrutiny committees covering a wide range of topics and has represented Plymouth's scrutiny function at numerous regional and national fora.

Whatever their political affiliation, members of Plymouth City Council have always appreciated David's cross-party approach to scrutiny.

David has been a great asset to scrutiny in Plymouth and will be greatly missed, we wish him the very best in his retirement from the Council.

Scrutiny in Plymouth

Our Constitution summarises the purpose of the Council's scrutiny function as follows:

- add value to Council business and decision-making;
- hold the Cabinet to account;
- monitor the budget and performance of services;
- assist the Council in the development of policy and review the effectiveness of the implementation of Council policy;
- review relevant central government policy development and legislation to assess the impact on the City and make recommendations to Cabinet.

The last two years have presented a number of challenges to the Council's four scrutiny committees and the Scrutiny Management Board in delivering against their objectives.

Meetings of scrutiny committees and the Scrutiny Management Board have continued throughout the pandemic. A new administration took control of the Council in May and we welcomed three new scrutiny chairs. Scrutiny has adapted and used the new Corporate Plan as the basis of our scrutiny programme whilst being cognisant of continuing financial constraint and the impact of decision making on the lives of Plymouth's population and the environment.

We want to take this opportunity to thank those who have contributed to the achievements that we have made this year. We know that behind the published results of our work, many hours of discussion, research and debate have taken place through the scrutiny function.

Our Scrutiny Committees



Brexit Infrastructure and Legislative Change

- Councillor Richard Bingley (Chair)
- Councillor Dr Pam Buchan (Vice-Chair)
- Councillor Mark Coker
- Councillor Margaret Corvid
- Councillor Dr Charlotte Cree
- Councillor Neil Hendy
- Councillor Glenn Jordan
- Councillor Pat Patel
- Councillor Chris Penberthy
- Councillor David Salmon



Health and Adult Social Care

- Councillor David James (Chair)
- Councillor Mary Aspinall (Vice-Chair)
- Councillor Charlotte Carlyle
- Councillor Margaret Corvid
- Councillor Natalie Harrison
- Councillor Dr John Mahony
- Councillor Susan McDonald
- Councillor Pauline Murphy
- Councillor David Salmon
- Councillor Ian Tuffin



Performance Finance and Customer Focus

- Councillor Chris Penberthy (Chair)
- Councillor Glenn Jordan (Vice-Chair)
- Councillor Dan Collins
- Councillor Sue Dann
- Councillor Gareth Derrick
- Councillor David James
- Councillor Jemima Laing
- Councillor Mark Lowry
- Councillor Bill Stevens
- Councillor James Stoneman



Education and Childrens' Social Care

- Councillor Jemima Laing (Chair)
- Councillor David James (Vice-Chair)
- Councillor Sarah Allen
- Councillor Richard Bingley
- Councillor Charlotte Carlyle
- Councillor Sally Cresswell
- Councillor Jeremy Goslin
- Councillor Andrea Loveridge
- Councillor Philip Partridge
- Councillor Brian Vincent

Brexit Infrastructure and Legislative Change Overview and Scrutiny

The Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee has taken the lead in support of the City's growth agenda. Over the past year, the panel has focused on the following work items:

Corporate Carbon Reduction Plan	<ul style="list-style-type: none"> The committee supported and endorsed the Corporate Carbon Reduction Action Plan 2022.
Climate Emergency Action Plan	<ul style="list-style-type: none"> The committee endorsed the Climate Emergency Action Plan 2022, and recommended that the plan should be supported by asks to Government through local MPs and national channels and that a Plymouth Climate Emergency Action Plan website support tool should be developed by May 2022.
Plymouth and South Devon Freeport	<ul style="list-style-type: none"> Plymouth and South Devon Freeport was announced as one of eight successful bids for Freeport status, the committee endorsed the work currently underway and will remain focused on this opportunity as it develops.
Mayflower 400	<ul style="list-style-type: none"> The Committee supported the Mayflower 400 programme to its conclusion in 2021.
Plymouth Bus Service Improvement Plan	<ul style="list-style-type: none"> The committee reviewed the timescales for completion of the Plymouth Bus Service Improvement Plan 2021 and the requirement to subsequently publish an Enhanced Partnership Plan and Scheme. The committee endorsed the ambitions of the Plymouth Bus Service Improvement Plan 2021 and the aspiration to make Plymouth' buses more frequent, more reliable, easier to understand and use, better coordinated and better value.
National Marine Park	<ul style="list-style-type: none"> The committee endorsed the approach to the development phase of the NMP Horizons Project and that scrutiny had a continuing role in assessing the outcome and impact of the Activity Plan and development of the delivery phase bid.
Plymouth Culture Plan	<ul style="list-style-type: none"> The committee actively supported the development and delivery of BAS9 as a cross City transformational engagement programme. The committee also supported the Cultural Partnership, led by Plymouth Culture, to steer the implementation of the Culture Plan.

Visitor Plan Annual Update	<ul style="list-style-type: none">• The committee supported Destination Plymouth to lead delivery of the visitor plan working with wider City stakeholders and partners.• It also recognised the significant achievements of the Destination Plymouth, Plymouth City Council and BID teams in supporting the sector to recover post Covid 19;• The committee supported the sector ‘asks’ to government through local MPs and that the Visitor Plan 2030 be included on the Committee’s work• Programme importance of the tourism sector for the City.
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Health and Adult Social Care Overview and Scrutiny

The Health and Adult Social Care Overview and Scrutiny Committee has taken the lead in scrutinising health partners and the councils adult social care services.

Councils with social care functions can hold all commissioners and providers of publicly funded health and social care to account for the quality of their services. The health scrutiny function operates through statutory powers to obtain information, ask questions in public and make recommendations for improvements, which must be considered.

Over the past year, the panel has focused on the following work items:

GP Services	<ul style="list-style-type: none"> The Committee has remained focused on GP services throughout the year and has scrutinised the approach of the CCG in the response to the pandemic. This work is ongoing as the CCG develops a new Primary Care Strategy for the County.
CQC and Urgent Emergency Care Report	<ul style="list-style-type: none"> The committee review the response to the CQC action plan following an inspection of some University Hospitals Plymouth NHS Trust (UHP) Services. The committee was assured that appropriate actions were in place and being delivered.
Future Hospital Programme	<ul style="list-style-type: none"> The committee have been provided with information concerning the new hospital programme and, along with other members of the council, have since taken part in several informal sessions with UHP.
Alliance Contract	<ul style="list-style-type: none"> The committee noted the progress to date on the implementation of the Plymouth Alliance.
Healthwatch Annual Report	<ul style="list-style-type: none"> The Committee continues to have a good relationship with Healthwatch and noted its Healthwatch Annual Report of 2020 – 21.
Winter Pressures	<ul style="list-style-type: none"> The committee maintained a focus on the performance of council and partner services over the winter period. Members were assured that all actions were being taken to manage system pressures throughout an extraordinarily difficult time for staff.

Performance, Finance and Customer Focus Overview and Scrutiny

The Performance, Finance and Customer Focus Overview and Scrutiny Committee has taken the lead in support of a range of council services.

The Local Government Act 2000 includes crime and disorder scrutiny as one of the functions the council must ensure its scrutiny arrangements cover. In Plymouth this responsibility rests with the Performance, Finance and Customer Focus Overview and Scrutiny Committee.

Over the past year, the panel has focused on the following work items:

Engagement with Cabinet members	<ul style="list-style-type: none"> The panel met with the six new Cabinet members who had responsibilities that fell within the panel's remit. We discussed with them their priorities and the challenges that they were facing. This led to items being added to the scrutiny programme for the year and for our future workplan.
Safer Plymouth Update	<ul style="list-style-type: none"> Close partnership working continues through Safer Plymouth and with the Police. The committee received an update on the work of the partnership, and will make at least annual invites to the partnership in future to comply with scrutiny requirements.
Business Support Review	<ul style="list-style-type: none"> The business support review was noted by members following a presentation in February and implementation will be scrutinised in the autumn.
Leisure Services Contract	<ul style="list-style-type: none"> Recommendations will be made to the responsible Cabinet members.
Financial Information	<ul style="list-style-type: none"> Members have reviewed financial performance at every meeting; they have challenged the costs and funding of a number of issues including: <ul style="list-style-type: none"> The manifesto commitments. Home to School Transport Plan Details of risks in the budget in order to allow scrutiny to better understand the extent of the risk and mitigating actions.
Performance	<ul style="list-style-type: none"> Members have reviewed the Council's KPIs throughout the year and have consequently explored a number of issues including: <ul style="list-style-type: none"> Rising numbers of homeless people

	<ul style="list-style-type: none">○ Increasing numbers of looked after children and young people○ The rise in numbers of homeless families staying in bed and breakfast accommodation for more than two weeks○ The need to review targets to drive performance improvement● Following members' requests it has been agreed that a workshop will be held with scrutineers to look at what KPIs would aid good scrutiny.
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The committee also received reports on:

- National consultations, policy changes and legislation relating to their area of responsibility
- Controlled Parking Zones
- Bereavement Services
- Trade waste services
- The Environment Act and implications on Plymouth's waste services
- Returning to work safely

Education and Childrens' Social Care Overview and Scrutiny

The Education and Childrens' Social Care Overview and Scrutiny Committee has taken the lead in assessing the effectiveness of decisions of the Cabinet in these areas of the Council's statutory activity in support of the City's young people. Over the past year, the panel has focused on the following work items:

Youth Justice Update	<ul style="list-style-type: none"> The committee received a wide ranging briefing on youth justice and its impact locally when an inspection takes place.
OFSTED Inspection Local Authority Children's Services	<ul style="list-style-type: none"> The committee received a wide ranging briefing on the work of OFSTED and its impact locally when an inspection takes place.
Everyone's Invited School and Safeguarding	<ul style="list-style-type: none"> The committee received a presentation on the Safeguarding in Plymouth
School's Catch Up	<ul style="list-style-type: none"> The committee received an update on schools catch up and made recommendations to for home schooled young people to be linked to the Kickstart programme or other alternative apprenticeship schemes
Skills4Plymouth and Kickstart Scheme	<ul style="list-style-type: none"> The Committee unanimously agreed to the recommendation to write a letter to government requesting the continuation of the Kickstart programme.
Fostering Sufficiency and Marketing	<ul style="list-style-type: none"> The Chair, Councillor Laing on behalf of the committee thanked Plymouth's foster carers, special guardians and connected carers especially with the backdrop of the COVID-19 pandemic and the difficulties this had brought. It was highlighted to members to follow 'Foster for Plymouth' on social media and to share the content provided to get the information to Plymouth residents.

The committee also received reports on –

- Elective Home Education
- Inclusion Strategy Board
- REACH Academy
- Young Carers
- Innovate

Budget Scrutiny

Budget Scrutiny provides the opportunity to test assumptions, examine risks and challenge priorities; this is with a view to establishing and maintaining resources that are fit for purpose, deliver the priorities contained within the Corporate Plan, meet the council's statutory obligations and address the needs and aspirations of the people of Plymouth.

The Scrutiny Management Board agreed an alternative approach to scrutiny of the 2022/23 budget. The Board endorsed the following in advance of the establishment of the Select Committee to guide the review –

- That an opportunity for involvement was provided to all scrutiny members covering the breadth of the council services to participate in budget scrutiny sessions in December. This was done to give all Cabinet members the chance to privately discuss the pressures their budgets were facing in 2022/23 and the ways in which these pressures could be addressed. This would enable all scrutiny committee members to make recommendations and provide advice to feed into the formal Budget Scrutiny process..
- That as a results of significant work ahead of budget consideration in January, Budget Scrutiny would take place over a single day in January 2022, with an additional session where recommendations for Cabinet were finalised
- That a risk-informed approach would be taken utilising the strategic risk register and informed by the committee sessions, with time allocated to areas for discussion at budget scrutiny based on risk level.

The new approach acknowledges feedback from previous years that the duration of budget scrutiny when held as a single event demands significant resourcing and impacts on the individuals involved in the process due to the amount of papers, its duration and the detail of the topic covered.

The alternative approach split the process and paper publication between December and January provided greater opportunity for further consideration and reflection on the issues by scrutiny members.

Full details of the budget scrutiny process, papers and webcasts can be found at the following [link](#).

The recommendations from budget scrutiny can be found at [link](#).

Looking forward

The Scrutiny Management Board recently met with the LGA Peer Review Team; we felt the discussion and challenge was useful. We look forward to reviewing the report when it is published.

At the meeting of the Scrutiny Management Board held on 15 March 2022 the Board considered what can be learnt from this year's scrutiny activities and has:

- Agreed to begin to provisionally populate the scrutiny work programme for the coming municipal year
- Reviewed the budget scrutiny process and made recommendations for the next budget scrutiny select committee
- Considered member development requirements to support good scrutiny
- Developed a series of recommendations about the working of scrutiny over the coming year
- Decided to write to the Chief Executive, S151 Officer and Monitoring Officer to provide this information and the underlying rationale; whilst this letter will be sent this month, it will be published as part of the papers for the first meeting of the Scrutiny Management Board in the next municipal year.

The recommendations that have been developed are:

1. Ahead of any external review all members will receive a briefing on the role of scrutiny and how it may be best performed;
2. Before the beginning of the meeting cycle, each committee will receive a briefing on their area of responsibility, these will be open to all members;
3. More systematic prioritisation of the work programme will be conducted and issues for discussion in 2022/23 identified;
4. Further work to secure meaningful commitment to scrutiny from the executive side of the organisation;
5. A more consistent approach to the provision of information to scrutiny councillors;
6. Identify and act on short /medium term member and officer training and development needs to address the above;
7. Take steps to expand public participation and community involvement in the work of scrutiny.

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City Council



Date of meeting: 21 March 2022
Title of Report: **Councillors' Code of Conduct**
Lead Member: Councillor Dr John Mahony
Lead Strategic Director: Giles Perritt (Assistant Chief Executive)
Author: Ross Jago
Contact Email: Ross.jago@plymouth.gov.uk
Your Reference: AG.CCC/01.22
Key Decision: No
Confidentiality: Part I - Official

Purpose of Report

This report provides the Audit and Governance committee with the outcomes of a recent informal sessions of the Constitution and Civic sub-committee who have met to consider the adoption of the Local Government Association's model code of conduct.

The discussions have led to a recommendation that the model code, with some amendments to reflect local circumstances , is recommended to Council for approval.

Recommendations and Reasons

That Council approves the appended Code of Conduct.

Reason: Review of the current code of conduct has identified, that whilst legally compliant, the code would benefit from additions to clarify and ensure understanding on the requirements upon Councillors.

Alternative options considered and rejected

For Councillors to continue operating under the existing arrangements.

Rejected as issues have been identified which have the potential to negatively impact the effectiveness and efficiency of the code.

Relevance to the Corporate Plan and/or the Plymouth Plan

An effective code of conduct which is open, transparent and clear supports the democratic values of the Council.

Implications for the Medium Term Financial Plan and Resource Implications:

None arising specifically from this report.

Fin	N/A	Leg	LS/38 296/A C/18/ 3/22.	Mon Off	LS/3 8296 /AC/ 18/3/ 22.	HR	N/A	Assets	N/A	Strat Proc	N/A
Originating Senior Leadership Team member: Giles Perritt											

Please confirm the Strategic Director(s) has agreed the report? Yes

Date agreed: 17/03/2022

Cabinet Member approval: *[electronic signature (or typed name and statement of 'approved by email/verbally')]*

Date approved: N/A

Councillors' Code of Conduct



- I. Plymouth City Council has adopted this code which sets out the conduct expected of elected and co-opted members of the council.

2. Definitions

- 2.1. For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who –
 - I. is a member of any committee or sub-committee of the authority or;
 - II. is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and
 - III. who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

3. Purpose of the Code of Conduct

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

4. General principles of councillor conduct

- 4.1. Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.
- 4.2. Building on these principles, the following general principles have been developed specifically for the role of councillor.
- 4.3. In accordance with the public trust placed in me, on all occasions:
 - I act with integrity and honesty
 - I act lawfully
 - I treat all persons fairly and with respect; and
 - I lead by example and act in a way that secures public confidence in the role of councillor.
- 4.4. In undertaking my role:

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

5. Application of the Code of Conduct

- 5.1. This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.
- 5.2. This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:
- I. you misuse your position as a councillor
 - II. your actions would give the impression to a reasonable member of the public with knowledge of all the facts, that you are acting as a councillor
 - III. there is a clear link to a local authority function
- 5.3. The Code applies to all forms of communication and interaction, including:
- I. at face-to-face meetings
 - II. at online or telephone meetings
 - III. in written communication
 - IV. in verbal communication
 - V. in non-verbal communication
 - VI. in electronic and social media communication, posts, statements and comments.
- 5.4. On social media there must be a link within the individual posting or thread to your role as a councillor or to local authority business. Even if you do not describe yourself as a councillor you may fall within the scope of the code if you are discussing local authority business.
- 5.5. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor. Expressions of political opinion not related to Council business will not necessarily invoke the Code.
- 5.6. The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

6. Standards of councillor conduct

- 6.1. This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.
- 6.2. Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct**7. Respect****As a councillor:**

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

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

7.2. In your contact with the public, you should treat them politely and courteously.

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

8. Bullying, harassment and discrimination**As a councillor:**

- I. I do not bully any person.**
- II. I do not harass any person.**
- III. I do not do anything to break equality laws.**
- IV. I do not discriminate unlawfully against any person.**

- 8.1. The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.
- 8.2. The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.
- 8.3. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.4. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

9. Impartiality of officers of the council**As a councillor:**

- I. I do not seek to compromise the impartiality of anyone who works for, or on behalf of, the local authority.**

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

10. Confidentiality and access to information**As a councillor:**

- I. I do not disclose information:**
 - a. given to me in confidence by anyone;**
 - b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature;**
- II. unless**
 - a. I have received the consent of a person authorised to give it;**
 - b. I am required by law to do so;**
 - 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;**
 - d. Or, the disclosure is:**
 - i. reasonable and in the public interest; and**
 - ii. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - e. I have consulted the Monitoring Officer prior to its release.**
- III. I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**
- IV. I do not prevent anyone from getting information that they are entitled to by law.**

- 10.1. Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.
- 10.2. Before making any disclosure you must comply with the Council's policies or protocols on matters such as whistle-blowing and confidential information. You must first raise your concerns through the appropriate channels set out in such policies or protocols.
- 10.3. Details of the Council's whistleblowing are available at the following link
<https://tinyurl.com/3bmez4hm>.
- 10.4. All UK public sector organisations are now using the same document classification scheme to identify the sensitivity of information contained in a particular document. Using this standardised scheme helps to improve the Council's data security and reduces risk of breaches. There are two classifications to use:
 - OFFICIAL
 - OFFICIAL: SENSITIVE
- 10.5. Details of the document classification in use at the council is available at the following link
<https://tinyurl.com/3uj7fdsw>.

11. Disrepute**As a councillor:****I. I do not bring my role or local authority into disrepute.**

- 11.1. As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute. Conduct which directly and significantly undermines the authority's reputation as a good employer or responsible service provider could be a situation that might give rise to you bringing the role of councillor or the authority into disrepute.
- 11.2. You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

12. Use of position**As a councillor:****I. I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

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

13. Use of local authority resources and facilities**As a councillor:**

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

- 13.1. You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:
- office support
 - stationery
 - equipment such as phones, and computers
 - transport

- access and use of local authority buildings and rooms.

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

14. Complying with the Code of Conduct

As a councillor:

- I. I undertake Code of Conduct training provided by my local authority.**
- II. I cooperate with any Code of Conduct investigation.**
- III. I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

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

Protecting your reputation and the reputation of the local authority

15. Interests

As a councillor:

- I. I register and declare my interests.**

- 15.1. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.
- 15.2. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable.
- 15.3. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.
- 15.4. You should note that failure to register or declare a disclosable pecuniary interest as set out in Table 1 is a criminal offence under the Localism Act 2011.
- 15.5. Appendix B sets out the detailed provisions on registering and declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

16. Gifts and hospitality**As a councillor:**

- I. I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- II. I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- III. I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

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

Appendix A – The Seven Principles of Public Life

The principles are:

1. Selflessness

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

2. 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.

3. Objectivity

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

4. 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.

5. 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.

6. Honesty

Holders of public office should be truthful.

7. Leadership

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

Appendix B

Registering interests

1. Disclosable Pecuniary Interests

- 1.1. Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).
- 1.2. “Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.
- 1.3. “Partner” means a spouse or civil partner, or a person with whom you are living as husband and wife, or a person with whom you are living as if you are civil partners.
- 1.4. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
- 1.5. A ‘sensitive interest’ is an interest which, if disclosed, could lead to the councillor or a person connected with the councillor, being subject to violence or intimidation.
- 1.6. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

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

2. Disclosure of Other Registerable Interests

- 2.1. Where a matter arises at a meeting which directly relates to the financial interest or well-being of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to

speak at the meeting, you may remain in the room in an area designated for the public but otherwise must not take part in any discussion or vote on the matter unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

3. Disclosure of Non-Registerable Interests

- 3.1. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you may remain in the room in an area designated for the public but must not take part in any discussion or vote on the matter unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
- 3.2. Where a matter arises at a meeting which affects –
 - your own financial interest or well-being;
 - a financial interest or well-being of a relative or close associate; or
 - a financial interest or well-being of body included under Other Registerable Interests as set out in Table 2
- 3.3. you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
- 3.4. Where the matter (referred to in paragraph 8 above) affects the financial interest or well-being:
 - to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest
- 3.5. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you may remain in the room in an area designated for the public but you must not take part in any discussion or vote on the matter unless you have been granted a dispensation.
- 3.6. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
- 3.7. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

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

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the</p> <p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>

Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge) — (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where — (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either — (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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

Table 2: Other Registerable Interests

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

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