STANDARDS AND ETHICS COMMITTEE
AGENDA

Venue: This meeting will be a virtual meeting and therefore will not take place in a physical location
Date: Thursday, 9th July, 2020
Time: 2.00 pm
Contact Officer: Clive Willoughby Tel: 01946 598328

1. Roll Call and Apologies for Absence
2. Appointment of Chair
3. Appointment of Deputy Chair
4. Declarations of Interest
5. Minutes of the Meeting held on 27 February 2020 1 - 4
6. Model Code of Conduct 5 - 22
7. Petition Regarding Parton Parish Council 23 - 26

Membership: Councillors Jackie Bowman, Hugh Branney, Graham Calvin, Joan Hully, Steven Morgan, Russell Studholme and Doug Wilson.

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STANDARDS AND ETHICS COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY, 27 FEBRUARY 2020

Present: Councillors Russell Studholme (in the Chair); Graham Calvin, Joan Hully, and Doug Wilson.

Officers: Sarah Pemberton (Director of Corporate Services and Commercial Strategy (Monitoring Officer)), Clinton Boyce (Solicitor), Stephanie Shaw (Electoral and Democratic Services Manager) and Clive Willoughby (Democratic Services Officer).

SEC 19/44  Apologies for Absence

Apologies for absence were received from Councillors Dave Banks and Steven Morgan.

SEC 19/45  Declarations of Interest

There were no Declarations of Interests made at this meeting.

SEC 19/46  Minutes of the Meeting held on 9 January 2020

RESOLVED:- that the minutes of the meeting held on 20 August 2019 be signed by the Deputy Chair as a correct record.

SEC 19/47  Exclusion of Press and Public

RESOLVED – that the press and public be excluded for the remaining items of business in view of the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of schedule 12A of the Local Government Act 1972.

SEC 19/48  Code of Conduct Complaints

Prior to the commencement of the consideration of the complaints, Members were introduced to the complainant and named Member. Mr John Graham confirmed that he was an independent member who was attending to observe, challenge and advise.

The Deputy Chair advised the Complainant and named Member that the meeting was in private and recording was strictly prohibited. The named
Member and supporter, Complainant, Members of the Committee, Independent Person and officers all confirmed that they were not recording the proceedings.

SEC 19/49  **Complaint 1**

Consideration was then given to an allegation that the subject Member, as Chair, failed to give sufficient notice of an Extraordinary General Meeting to be held, as required by law. By doing so, the subject Member had breached item 5(4) of the subject member’s Parish Council’s Code of Conduct.

The committee received representations from the Council’s Solicitor and the Deputy Chair invited comments from the Complainant and subject Member.

The Subject Member was given the last word in summing up.

At this point it was suggested to Members that all complaints be heard before the committee deliberated and considered their decisions.

SEC 19/50  **Complaint 2**

Consideration was then given to an allegation that the subject Member, as Chair, at an Extraordinary General Parish Council Meeting held, failed to adequately record all the resolutions passed including those relating to exclusion of press and public. By doing so, the subject Member had breached item 5(4), 5(5), 5(8) and 5(11) of the subject member’s Parish Council’s Code of Conduct.

The committee received representations from the Council’s Solicitor and the Deputy Chair invited comments from the Complainant and subject Member.

The Subject Member was given the last word in summing up.

SEC 19/51  **Complaint 3**

Consideration was then given to an allegation that the minutes written by the subject Member, as Chair, of an Ordinary Parish Council Meeting held, were completely inaccurate and not a true reflection of the discussions nor the resolutions passed in respect of seven items. By doing so, the subject Member had breached item 5(4) of the subject member’s Parish Council’s Code of Conduct.

The committee received representations from the Council’s Solicitor and the Deputy Chair invited comments from the Complainant and subject Member.
The Subject Member was given the last word in summing up.

SEC 19/52  **Complaint 4**

Consideration was then given to an allegation that at an Extraordinary Parish Council Meeting held, the subject Member, as Chair, (with no Clerk present) failed to adequately record the resolutions passed and at the subsequent meeting refused to make amendments particularly to votes cast. By doing so, the subject Member had breached item 5(4) of the subject member’s Parish Council’s Code of Conduct.

The committee received representations from the Council’s Solicitor and the Deputy Chair invited comments from the Complainant and subject Member.

The Subject Member was given the last word in summing up.

SEC 19/53  **Complaint 5**

Consideration was then given to an allegation that at an Ordinary Parish Council Meeting held, the subject Member, as Chair, (with no Clerk present), allowed motions to be moved without the required notice being given. By doing so, the subject Member had breached item 5(4), 5(7) and 5(8) of the subject member’s Parish Council’s Code of Conduct.

The committee received representations from the Council’s Solicitor and the Deputy Chair invited comments from the Complainant and subject Member.

The Subject Member was given the last word in summing up.

The Complainant, subject Member and Supporter then left the room whilst the committee deliberated on the five complaints and considered their decisions.

At the conclusion of the deliberation it was

**RESOLVED** – that the committee unanimously agreed that in respect of:-

- Complaint 1 - there was not a breach of the Code of Conduct.
- Complaint 2 - there was not a breach of the Code of Conduct.
- Complaint 3 - the subject Member was in breach of the Parish Council’s Code of Conduct:
“No 5 – When acting in your capacity as a Member:

(4) You must not bring your office or your Council into disrepute.

(7) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

(8) You must be as open as possible about your decisions and actions and the decisions and actions of your Council and should be prepared to give reasons for those decisions and actions.

(11) You must promote and support high standards of conduct when serving in your office.”

The complaint be upheld and the following sanctions applied.

a) The Subject Member be censured – an expression of strong disapproval or criticism – and that such censure will be in writing, copied to the leader of any relevant group and, if a parish member, copied to the Parish Clerk and Chairman of the Parish Council.

Complaint 4 - there was not a breach of the Code of Conduct.

Complaint 5 - there was not a breach of the Code of Conduct.

The Meeting closed at 5.30 pm

Chair
STANDARDS & ETHICS COMMITTEE – 9 JULY 2020

MODEL CODE OF CONDUCT

LEAD OFFICER: Sarah Pemberton, Director of Corporate Resources and Commercial Strategy

REPORT AUTHOR: Stephanie Shaw, Electoral and Democratic Services Manager

WHY HAS THIS REPORT COME TO THE STANDARDS AND ETHICS COMMITTEE?

The Local Government Association has issued a draft Model Code of Conduct for consultation with Local authorities. The consultation period will run until 17th August 2020.

The Standards and Ethics Committee is responsible for all matters relating to the Code of Conduct.

RECOMMENDATIONS: That

a) the report be noted; and

b) members are invited to give their feedback on the Draft Model Code of Conduct to the Monitoring Officer by no later than Friday 24th July 2020.

1. BACKGROUND

1.1 The review on Local Government Ethical Standards was published by the Committee on Standards in Public Life on 30 January 2019. A report on this was put before the Audit Committee on 10th April 2019.

1.2 The Local Government Association is now reviewing and updating the member model code of conduct, which is suggested good practice and councils may adopt this code or their own local code.

1.3 The review is being undertaken in response to the recommendations made by the Committee on Standards in Public Life and to rising local government concern about the increasing incidence of public, member-
to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement.

2. PROPOSALS

2.1 The Model Member Code is designed to aid members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office.

2.2 This consultation addresses key areas in which the LGA would like a view on to help finalise the Code. It is aimed at councillors and officers from all tiers of local government.

2.3 The draft Model is attached at Appendix 1 of this report.

2.4 The Committee’s feedback is welcomed and will be incorporated into the Councils response.

3. CONCLUSION

3.1 The purpose of the Code of Conduct is to assist councillors in modelling the behaviour that is expected of them, and to set out the type of conduct against which appropriate action may be taken. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

4. STATUTORY OFFICER COMMENTS

4.1 The Monitoring Officer’s comments are: Contained in report.

4.2 The Legal Officer’s comments are: No legal issues arise from this report

4.3 The Section 151 Officer’s comments are: No financial issues arising from these recommendations.
LIST OF APPENDICES

1. Draft Model Code of Conduct
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The Local Government Association (LGA) is providing this Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.

The role of councillor in all tiers of local government is a vital part of our country’s system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to and want to participate with. We want to continue to attract individuals from a range of backgrounds and circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities.

All councils are required to have a local Member Code of Conduct. This Model Member Code of Conduct has been developed in consultation with the sector and is offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code, whilst the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

As a councillor we all represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent everyone (in our ward/town/parish), taking decisions fairly, openly, transparently and with civility. Councillors should also be treated with civility by members of the public, other councillors and council employees. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations. This Code, therefore, has been designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.

Councillor Howard Sykes MBE
Leader, LGA Liberal Democrats Group

Councillor Izzi Seccombe OBE
Leader, LGA Conservative Group

Councillor Nick Forbes CBE
Leader, LGA Labour Group

Councillor Marianne Overton MBE
Leader, LGA independent Group
Purpose

The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow councillors, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

Application of the Code

The Code of Conduct applies to you when you are acting [or claiming or giving the impression that you are acting] in [public or in] your capacity as a member or representative of your council, although you are expected to uphold high standards of conduct and show leadership at all times. The Code applies to all forms of member communication and interaction, including written, verbal, non-verbal, electronic and via social media, [including where you could be deemed to be representing your council or if there are potential implications for the council’s reputation.] Model conduct and expectations is for guidance only, whereas the specific obligations set out instances where action will be taken.

The seven principles of public life

Everyone in public office at all levels – ministers, civil servants, members, council officers – all who serve the public or deliver public services should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

Model member conduct

In accordance with the public trust placed in me, on all occasions I will:

• act with integrity and honesty
• act lawfully
• treat all persons with civility; and
• lead by example and act in a way that secures public confidence in the office of councillor

In undertaking my role, I will:

• impartially exercise my responsibilities in the interests of the local community
• not improperly seek to confer an advantage, or disadvantage, on any person
• avoid conflicts of interest
• exercise reasonable care and diligence; and
• ensure that public resources are used prudently and in the public interest

Specific obligations of general conduct

This section sets out the minimum requirements of member conduct. Guidance is included to help explain the reasons for the obligations and how they should be followed. These obligations must be observed in all situations where you act [or claim or give the impression that you are acting] as a councillor [or in public], including representing your council on official business and when using social media.
As a councillor I commit to:

**Civility**

1. Treating other councillors and members of the public with civility.
2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.

Civility 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 civil manner. You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public’s expectations and confidence in its elected representatives.

In return you have a right to expect courtesy from the public. If members of the public are being abusive, threatening or intimidatory you are entitled to close down any conversation in person or online, refer them to the council, any social media provider or if necessary, the police. This also applies to members, where action could then be taken under the Member Code of Conduct.

**Bullying and harassment**

3. Not bullying or harassing any person.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The 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 not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as ‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

**Impartiality of officers of the council**

4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.

Officers work for the council 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. Although 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, 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.

**Confidentiality and access to information**

5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.

6. Not preventing anyone getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and
printed materials are open to the public except in certain 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 council are treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Disrepute

7. Not bringing my role or council into disrepute.

Behaviour that is considered dishonest and/or deceitful can bring your council into disrepute. As a member you have been entrusted 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 other councillors and/or your council.

Your position

8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the council provides you with certain opportunities, responsibilities and privileges. However, you should not take advantage of these opportunities to further private interests.

Use of council resources and facilities

9. Not misusing council resources.

You may be provided with resources and facilities by the council to assist you in carrying out your duties as a councillor. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given to you to help you carry out your role as a councillor more effectively and not to benefit you personally.

Interests

10. Registering and declaring my interests.

You need to register your interests so that the public, council employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest. The register also protects you. You are 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 members, 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. Discuss the registering and declaration of interests with your Monitoring Officer/Town or Parish Clerk and more detail is set out in appendix B.

Gifts and hospitality

11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.

12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

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 member. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you may wish to notify your monitoring officer of any significant gifts you are offered but refuse which you think may have been offered to influence you.

Breaches of the Code of Conduct

Most councillors conduct themselves appropriately and in accordance with these standards. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an ‘independent person’, and sanctions to be imposed on any councillors who breach the Code.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

Failure to comply with the requirements to register or declare disclosable pecuniary interests is a criminal offence. Taking part in a meeting or voting, when prevented from doing so by a conflict caused by disclosable pecuniary interests, is also a criminal offence.

Political parties may have its own internal standards and resolution procedures in addition to the Member Code of Conduct that members should be aware of.

Note – items in square brackets [x] refer to recommendations made by the Committee on Standards in Public Life and may be part of a future Government consultation. This includes possible future sanctions and appeals processes.
Example
LGA guidance and recommendations

Internal resolution procedure

Councils must have in place an internal resolution procedure to address conduct that is in breach of the Member Code of Conduct. The internal resolution process should make it clear how allegations of breaches of the Code of Conduct are to be handled, including the role of an Independent Person, the appeals process and can also include a local standards committee. The internal resolution procedure should be proportionate, allow for members to appeal allegations and decisions, and allow for an escalating scale of intervention. The procedure should be voted on by the council as a whole.

In the case of a non-criminal breach of the Code, the following escalating approach can be undertaken.

If the breach is confirmed and of a serious nature, action can be automatically escalated.

1. an informal discussion with the monitoring officer or appropriate senior officer
2. an informal opportunity to speak with the affected party/ies
3. a written apology
4. mediation
5. peer support
6. requirement to attend relevant training
7. where of a serious nature, a bar on chairing advisory or special committees for up to two months
8. where of a serious nature, a bar on attending committees for up to two months.

Where serious misconduct affects an employee, a member may be barred from contact with that individual; or if it relates to a specific responsibility of the council, barred from participating in decisions or information relating to that responsibility.
Endnotes

1. CSPL recommend that “Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority”.

2. CSPL recommend that “councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.”

3. Subject to footnotes 1 and 2 above


5. ACAS’s definition of bullying
Appendices

Code Appendix A

The principles are:

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

**Integrity**
Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

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

**Accountability**
Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness**
Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty**
Holders of public office should be truthful.

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

Code Appendix B

**Registering interests**
1. Within 28 days of this Code of Conduct being adopted by the council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).

2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table 1 or 2, or of any change to a registered interest, notify the Monitoring Officer.

**Declaring interests**
3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a ‘sensitive interest’, you do not have to declare the nature of the interest.

4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to declare the nature of the interest.
5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to declare the nature of the interest.

6. Where a matter arises at a meeting which affects –
   a. your own financial interest or well-being;
   b. a financial interest or well-being of a friend, relative, close associate; or
   c. a body covered by table 1 below

you must disclose the interest.

7. Where the matter 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 you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to declare the nature of the interest.
Table 1: Disclosable Pecuniary Interests

<table>
<thead>
<tr>
<th>Subject</th>
<th>Description</th>
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<tbody>
<tr>
<td>Employment, office, trade, profession or vocation</td>
<td>Any employment, office, trade, profession or vocation carried on for profit or gain.</td>
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<td></td>
<td>[Any unpaid directorship.]</td>
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<tr>
<td>Sponsorship</td>
<td>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the <em>Trade Union and Labour Relations (Consolidation) Act 1992</em>.</td>
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<tr>
<td>Contracts</td>
<td>Any contract made between 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 (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 —</td>
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<td></td>
<td>(a) under which goods or services are to be provided or works are to be executed; and</td>
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<tr>
<td></td>
<td>(b) which has not been fully discharged.</td>
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<tr>
<td>Land and Property</td>
<td>Any beneficial interest in land which is within the area of the council.</td>
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<tr>
<td></td>
<td>“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.</td>
</tr>
<tr>
<td>Licences</td>
<td>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.</td>
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<tr>
<td>Corporate tenancies</td>
<td>Any tenancy where (to the councillor’s knowledge)—</td>
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<td></td>
<td>(a) the landlord is the council; and</td>
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<td></td>
<td>(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.</td>
</tr>
<tr>
<td>Securities</td>
<td>Any beneficial interest in securities* of a body where—</td>
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<td></td>
<td>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</td>
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<td></td>
<td>(b) either—</td>
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<td></td>
<td>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</td>
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<tr>
<td></td>
<td>(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.</td>
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</tbody>
</table>
*'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

<table>
<thead>
<tr>
<th>Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;</th>
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<tbody>
<tr>
<td>Any Body—</td>
</tr>
<tr>
<td>(a) exercising functions of a public nature;</td>
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<tr>
<td>(b) directed to charitable purposes; or</td>
</tr>
<tr>
<td>(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</td>
</tr>
</tbody>
</table>

of which you are a member or in a position of general control or management.
Local Government Association
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REF 11.197
STANDARDS & ETHICS COMMITTEE – 9 JULY 2020

PETITION REGARDING PARTON PARISH COUNCIL

LEAD OFFICER: Sarah Pemberton, Director of Corporate Resources and Commercial Strategy
REPORT AUTHOR: Stephanie Shaw, Electoral and Democratic Services Manager

WHY HAS THIS REPORT COME TO THE STANDARDS & ETHICS COMMITTEE?

As Members are aware two petitions have been received by the Council, one requesting that “Copeland Borough Council dissolve Parton Parish Council and hold fresh elections” and the other “opposing the terms of the original petition and in support for the Parish Council to remain”.

Full Council agreed on the 10th February, that the responsibility for consideration of the petition and counter petition be delegated to the Standards and Ethics Committee.

RECOMMENDATIONS: That

a) the petitions be noted by the Committee;
b) the Committee hears representations from both petition organisers, ward councillors and Parton Parish Council;
c) the Committee consider whether any further action should be taken in connection with the petitions received.

1. INTRODUCTION

1.1 A petition has been submitted to Copeland Borough Council requesting that “Copeland Borough Council dissolve Parton Parish Council and hold fresh elections”.

1.2 The PetitionOrganiser submitted the petition, containing 151 signatures to Sarah Pemberton, Monitoring Officer, on 20th December 2019.
1.3 A further 14 signatures were received on 2\textsuperscript{nd} January 2020, together with an additional 28 on 27\textsuperscript{th} January 2020.

1.4 135 of the signatures have been verified.

1.5 A counter petition was submitted to Sarah Pemberton, Monitoring Officer on 10th February 2020 in support of Parton Parish Council, which contained in excess of 300 signature. 186 of those signatures have been verified.

1.6 Full Council agreed on 10th February 2020 to delegate this matter to the Standards and Ethic Committee for consideration.

2. \textbf{BACKGROUND}

2.1 Parton Parish Council has an electorate of 680. The turnout of the election in May 2019 was 37%.

2.2 11 Members of Parton Parish Council were elected in May 2019.

2.3 Since May 2019, the Parish Council appears to be having difficulties in working together to achieve their objectives, and to transact council business in an effective and cordial manner. This has resulted in public unrest at meetings, abandonment of a meeting, and, on occasion the Police needing to be in attendance.

2.4 There has also been a number of longer serving members tendering their resignations during this time, with three resignations in August, one in September and a further one in April this year.

2.5 The vacancies have subsequently been filled by co-option by the Parish Council, with one vacancy pending election, which cannot be held until 2021 due to the coronavirus pandemic.

2.6 Parton Parish Council also made the decision in November 2019 to dismiss their long serving Clerk. A new appointment has since been made.

2.7 Growing public unrest with regard to the current serving Council is self-evident, with increasing numbers of public attending meetings, and, the level of local news and social media attention.
2.8 Ward Councillors have also been in attendance at parish meetings, and have witnessed the disharmony of the Council and conduct of its members.

2.9 Since the petitions were received it is not clear how many meetings have been held. The Council’s web site shows the last meeting being convened for the 11\textsuperscript{th} March but it is not clear whether this was held and there is no evidence of meetings being held after that date.

3. **PROPOSALS**

3.1 Both of the petition organisers will be invited to attend the meeting (virtually) to outline their issues and concerns.

3.2 Both the Parish Council and Ward councillors will also be invited to speak before the committee (virtually).

3.3 Explore options on how all parties can resolve the issues that have arisen over the last 13 months, and, if possible how they can work together in the future for the benefit of the Parton community.

4. **CONCLUSIONS**

4.1 The Petition received requesting that “Copeland Borough Council dissolve Parton Parish Council and hold fresh elections” is confusing. Some clarity is needed from the petition organiser.

4.2 The counter petition submitted shows that there is local support within the community for the current Parish Council.

4.3 A resolution to the ongoing issues is needed for the benefit of all parties involved.

5. **STATUTORY OFFICER COMMENTS**

5.1 Legal Comments are: No legal issues arise from the petitions as submitted.

5.2 The Monitoring Officer’s comments are: Contained in report.
5.3 The Section 151 Officer’s comments are: No financial issues arising from these recommendations.