

## MORECAMBE TOWN COUNCIL

**Summons to attend the Meeting of Finance & Governance Committee**  
**Due to the Covid19 pandemic and related restrictions the meeting will be held**  
**remotely using the Zoom Cloud meetings application on**  
**Wednesday 17<sup>th</sup> June 2020 commencing at 11:00am**

### AGENDA

20016. **Apologies for Absence.**
20017. **Declaration of Interests:** To receive declarations by Members of interests in respect of items on this Agenda.
20018. **Minutes:** To consider Minutes of Finance & Governance meeting held on Monday 20<sup>th</sup> May 2020
20019. **Urgent Business:** To consider items of urgent business
20020. **Internal Audit:** To consider:
- 1) Internal Audit Action Plan 2019 / 2020
  - 2) 2018 / 2019 Audit review terms of reference
20021. **Risk Assessment:** To consider Risk Assessment 2020 (see Agenda Pack)
20022. **Code of Conduct:** To consider Local Government Association proposed national model member code of conduct consultation (see Agenda Pack)
20023. **Policies & procedures:** To consider the following:
- 1) Information Management Policy, Privacy Notice and Publication Scheme (previously circulated – Town Council meeting refers);
  - 2) Habitual or Vexatious Complaints Policy (see Agenda Pack)
  - 3) Arrangements for the review of Standing Orders and Financial Regulations
20024. **Date of Next Meeting**

A handwritten signature in black ink, appearing to read 'Bob Bailey', with a long horizontal flourish extending to the right.

Bob Bailey, Town Clerk



## MORECAMBE TOWN COUNCIL

### Minutes of Finance & Governance Committee held on Wednesday 20<sup>th</sup> May 2020 at 11:00am

**Due to the Covid19 pandemic this meeting was held remotely using the Zoom Cloud conference application**

**In attendance:** Councillors Merv Evans (Chair), Anderton; Bates; Balcer; Clarke; Cleet; Hanson, Heath, Jenkins, Matthews and Pilling.

20009. **Apologies for Absence:** Apologies were received from Councillors Pattison and Ross-Clasper

20010. **Declarations of Interest:** Members were asked to declare any interests, and the nature of that interest, which they may have in any of the items under consideration at this meeting. There were no declarations of interest on the items on the Agenda previously circulated.

20011. **Minutes:** It was **RESOLVED** that the Minutes of the Finance & Governance Committee held on 27<sup>th</sup> February 2020 be approved.

20012. **Urgent Business:** Members noted that at its meeting on 7<sup>th</sup> May 2020, the Town Council referred implementation of the 34 recommendations set out in the **Internal Audit Report (Interim) 2019/2020** to the Finance and Governance Committee. Following a proposal from the Chair, it was **RESOLVED** that the Town Clerk produces an action plan and timetable with a view to implementing all recommendations within 12 months and progress being regularly reported to Town Council. **ACTION:** Town Clerk to produce draft Action Plan at the June meeting of the Finance & Governance Committee. There followed a further lengthy discussion on the planned 're-audit' of the 2018/19 statements of account.

The Town Clerk stated that in his view that there would be minimal benefit in this course of action given that:

- a) the 2018/19 statement of accounts had been audited by both the internal and external auditors and approved by Town Council;

- b) the shortcomings in internal control and governance – which are the responsibility of the Town Council – identified and discussed at the Extraordinary Town Council held in January, and;
- c) the recommendations set out in the Internal Audit Report (Interim) 2019/2020 designed to make substantial improvements to the Town Council's systems of internal control and governance.

Members acknowledged the Town Clerks comments. Given the circumstances and the fact that a decision on a further audit had been made at the February meeting of the Town Council it was determined that arrangements should be made for the audit of 2018/2019 statement of accounts following completion of the 2019/2020 accounts and audit requirements.

20013. **Payments:** Members considered payments due for authorisation and paid by Direct Debit. The Town Clerk reported that £67 underspent from the latest Grant received for the Neighbourhood Plan (£5,300) must be paid back. Members were also informed that an application by Bay Radio for funding from the Community Resilience Fund had been successful and awaiting authorisation. It was **RESOLVED** that the Town Council be recommended to pay the accounts set out on the payments schedule.

20014. **Annual Governance & Accountability Return (AGAR):** The Town Clerk reported changes to the timetable for the statutory annual review of the Council's governance arrangements and the audit and publication of the Annual Governance and Accountability return (AGAR).

These changes had been set out in the Accounts and Audit (Coronavirus) Regulations 2020 due to the coronavirus pandemic. It was reported that the deadline for the AGAR to be approved and sent to the external auditor is now **31<sup>st</sup> August 2020**.

The Town Clerk set out a revised timetable aimed at getting the year-end accounts completed, audited by the internal audit. considered by the Council and submitted to the external auditor by 31<sup>st</sup> July 2020.

It was explained that this would be subject to liaison with the internal auditor and the submission of the end of year accounts and supporting documents within the Government restrictions during the Covid19 lockdown.

It was reported that under the new regulations there is no requirement for a '*common period for the exercise of public rights*' for the inspection of the Council's accounts but there is still a requirement to set a period for this purpose with the 30 day period for the exercise of public rights commencing on, or **before, 1<sup>st</sup> September 2020**. This is also the date by which the unaudited (by the External Auditor) AGAR and accounting statements must be published.

The Town Clerk then took Members through sections of the AGAR and a step-by-step guide setting each of the stages to be completed to meet statutory requirements. The relevant sections include:

- a) statutory Annual Internal Audit covering 12 'internal control objectives' ;
- b) review of internal controls and risks as set out in the Annual Governance Statement (Section 1 of the AGAR);
- c) approval of Accounting Statements (Section 2 of the AGAR);

Members were informed that following the Town Council's approval, the AGAR and all statutorily required supporting papers must be sent to the Government appointed external auditors, with a '*Notification of the Conclusion of the Audit*' and the AGAR including the *External Auditor Report and Certificate*' being published **before 1<sup>st</sup> December 2020**.

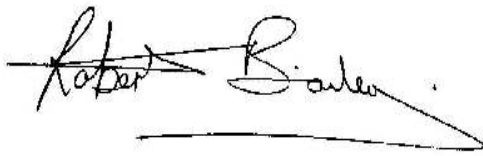
The Town Clerk then took Councillors through the detailed documentation that he had put together in support of the AGAR and subject to audit, being:

- a) explanation of variances of income and expenditure of more than 15% between 2018/19 and 2019/20;
- b) Bank reconciliation as at 31<sup>st</sup> March 2020;
- c) Income & Expenditure Account and Balance Sheet
- d) Summary of receipts and payments by Cost Centre;
- e) Fixed Assets and Long-term investments

Members asked several questions, after which it was **RESOLVED** that the Town Council be recommended to approve the proposed timetable and be provided with a copy of the first draft of the AGAR at its June meeting, to give all Members the opportunity to consider the expected standards set out in Section 1 – Annual Governance Statement 2019/20 and Section 2 Accounting Statements 2019/20, prior to formal approval at its meeting in July.

20015. **Date of next meeting:** It was **RESOLVED** that the committee meets again on Tuesday 17<sup>th</sup> June 2020 at 11:00am.

The meeting closed at 12:30pm.

A handwritten signature in black ink, appearing to read 'Robert Bailey', with a long horizontal flourish extending to the right.

Bob Bailey, Town Clerk

8<sup>th</sup> March 2020

# **MORECAMBE TOWN COUNCIL**

## **RISK ASSESSMENT AND LOG**

Date: June 2020

Author: Bob Bailey, Town Clerk

<b>Risk No.</b>	<b>Description of Risk</b>	<b>Controls in Place / Mitigation</b>	<b>Low / Medium / High Risk</b>	<b>Actions Taken / Planned</b>	<b>Responsibility</b>
<i>R1.</i>	Personal injury / damage to members of the public or their property arising from defects on the council's property	Property comprises of fixed installations (i.e. seats and benches). Undertake regular maintenance checks and carry out prompt repairs as required.	Medium	Maintain equipment / assets owned by the council. Insurance includes employee liability cover for staff. Periodically review insurance cover and timely renewal to avoid compensation claims	Council / Staff
<i>R2.</i>	Compensation claim by employee or contractor in respect of injury sustained in the cause of his / her employment / engagement	The nature of the Town Clerks work means that there is a low risk of injury.	Medium	Insurance includes employee liability cover for staff. Annually review insurance cover to mitigate compensation claims and associated costs. Review risks should a Lengthsman be appointed	Council
<i>R3.</i>	Loss of cheques / cash held on behalf of council	A small amount of income is received by cash / cheque. Any losses are covered by insurance. Income is banked promptly and precept / VAT reimbursements are directly paid into the bank account	Low	Annually check adequacy of insurance cover	Council / Town Clerk
<i>R4.</i>	Financial loss due to banking error	Every month, bank statements are scrutinised and reconciled by the Town Clerk and accounts transactions / bank reconciliations reported to Finance & Governance Committee. Banking arrangements were reviewed in November 2019 and accounts are annually checked by internal / external auditors	Low	Annually review banking arrangements to secure best possible terms and conditions	Council / Town Clerk
<i>R5.</i>	Loss of monies due to fraudulent action by employee(s)	All BACS / cheque transactions are authorised by two councillors. All expenditure is approved by the Town Council and transactions subject to scrutiny by Finance & Governance Committee. Internal and external auditors examine accounts annually. Audited accounts are open to public scrutiny annually.	Low	Check adequacy of insurance. Undertake a formal annual review of internal control arrangements as part of the AGAR	Council

<b>Risk No.</b>	<b>Description of Risk</b>	<b>Controls in Place / Mitigation</b>	<b>Low / Medium / High Risk</b>	<b>Actions Taken / Planned</b>	<b>Responsibility</b>
R6.	Damage to council property by third party	Some property is intended for public use and potentially at risk of damage by a third party. Maintain property in good condition and ensure adequate insurance cover	Medium	Regularly check property and adequacy of insurance cover	Council / Staff
R7.	Compensation claim resulting from (alleged) negligent act or accidental error or omission by the council or its employee(s)	Low risk given controls in place. Maintain adequate insurance cover and ensure Town Council decisions are based on full information including professional advice where necessary	Low	Check adequacy of insurance cover. Monitor and review governance arrangements.	Council / Town Clerk
R8.	Actions against the council for libel or slander	Meetings are conducted in accordance with standing orders and financial regulations.	Medium	Review Standing Orders and Financial Regulations and other policies during 2020/21	Council / Town Clerk
R9.	Failure to represent community interest adequately in relation to matters likely to impact significantly on the town	Community engagement is provided through social media, website (new in 2020) and newsletter. Town council is consulted by principal authorities and agencies. Membership of NALC / LALC provides professional advice	Medium	Develop community engagement arrangements through online surveys, public meetings, posts on social media and website. Press and Media and Social Media policy adopted 2020; Formal consultation arrangements to include public meetings (subject to Covid19 restrictions) and there will be wide consultation on the developing Neighbourhood Plan in. 2020/21	Council / Town Clerk
R10.	Order for precept not submitted or paid by local authority. Precept is inadequate to meet plans	Receipt of precept checked by Town Clerk. Precept for the following year considered in February.	Medium	Review budgetary arrangements to ensure that precept is based on plans for the town in the coming year and forecasted difference between income and expenditure (See Internal Audit Report)	Council / Town Clerk
R11.	VAT incorrect / not reimbursed / not properly accounted for	VAT returns submitted quarterly. VAT records checked by internal and external auditors	Low	VAT properly analysed in accounts maintained by Town Clerk and scrutinised by Finance & Governance committee and Town council	Council / Town Clerk



Risk No.	Description of Risk	Controls in Place / Mitigation	Low / Medium / High Risk	Actions Taken / Planned	Responsibility
R12.	Financial records inadequately / incorrectly maintained	Town Clerk is a qualified accountant / audit professional and trained as a professional Clerk with many years' experience. Financial records are checked by internal and external auditors annually.	Low	A comprehensive cash- book or similar accounting record established as the prime source of financial reporting, including bank reconciliations, budget monitoring, VAT returns, etc. Budget monitoring reports will be revised in 2020/21 providing clear information on any exceptions and areas requiring attention / remediation (see Internal Audit Report)	Council / Town Clerk
R13.	Unidentified / inadequate general and / or earmarked reserves	Considered in budget setting / review of annual accounts	Medium	Amount of reserves required for the following year will be considered as part of the budget process based on available funds and costed plans for the coming year. Reserves policy will be produced in 2020/21	Council / Town Clerk
R14.	Minutes are inaccurate / illegal	Minutes are approved by the Town Council and committees at every meeting. Town Clerk has undergone necessary training	Low	Support Clerk's professional development and Councillor's attending training where necessary	Council
R15.	The Town Council undertakes / makes a payment that is illegal / outside its powers	Town Clerk advises Members on the council's legal powers and duties and has undergone appropriate training to be able to advise the Town council	Low	Ensure Members are aware of, and kept up-to-date on, the legal powers of parish councils	Council / Town Clerk
R16.	Employee(s) performance is inadequate / underdeveloped	Annual appraisal of Town Clerk's performance and development to be established. Town Clerk is a member of SLCC and plans to take CiLCA training	Low	Maintain annual performance / development appraisal. Town Clerk to undertake training and continuous development as required. CiLCA to be completed in 2021/22	Council / Town Clerk
R17.	Loss of key staff through long term illness / early resignation etc.	Clerk in good health but no cover for absences currently in place.	Low	Monitor risk and manage as necessary. Consider cover for Town Clerk if absent	Council
R18.	Inadequate management of financial and other risks associated with the activities of the council		Medium	Review/revise risk register and monitor actions throughout the year action has been taken to ensure that risks are identified and mitigated. Review significant risks annually	Council / Town Clerk
R19.	Compliance with Transparency Code for Smaller Authorities (the Code)	New compliant website established	Low	New website will include information required by the Code.	Council / Town Clerk

Risk No.	Description of Risk	Controls in Place / Mitigation	Low / Medium / High Risk	Actions Taken / Planned	Responsibility
R20.	Compliance with General Data Protection Regulations (GDPR)	Implications of GDPR brought to Members attention and privacy notice and data protection and information policy in place	Low	Clerk appointed as the Data Protection Officer. Controls and policies will be reviewed to ensure ongoing compliance and to mitigate the risk of any GDPR breaches.	Council / Town Clerk
R21.	Compliance with Freedom of Information Act 2000	Requirements and implications of the Freedom of Information Act 2000 brought to Members attention and Publication Scheme approved	Low	Review publication scheme and FOI requirements / expectations annually.	Council / Town Clerk
R22.	Failure to comply with Accounts and Audit Regulations 2015 and Audit Commission Act 1998	Requirements of the acts brought to Members attention and accounts produced in accordance with them. Accounts audited annually.	Medium	Internal Auditor Report (interim) made 34 recommendations to ensure that the Council achieves the objectives of the Annual Governance & Accountability Return and proper Governance. Councillors have accepted all recommendations and developed an action plan to implement these within 12 months. A final year-end audit is due and this will be followed by a 'Governance Health Check'	Council / Town Clerk
R23.	Failure to comply with the Representation of the Peoples Act 1983	Requirements of the act is brought to Members attention at all Council elections (City/Town and Parish and By-elections) to ensure compliance and monitor the service provision provided by the Returning Officer and Elections team	Low	Develop a checklist to ensure that all requirements of the Town Council are met. Include potential costs in budget setting process	Council / Town Clerk

Risk No.	Description of Risk	Controls in Place / Mitigation	Low / Medium / High Risk	Actions Taken / Planned	Responsibility
<b>COVID19 Risk Assessment</b>					
R1.	Council Offices closed in lockdown	Closure of Council Offices	H	Postpone council and committee meetings Place notices on noticeboards, website and social media	Council
R2.	Non - Attendance of Councillors, staff and the public		H	Identify potential risks to Councillors, staff and public; Consider alternative means of communication (videoconferencing); Consider whether there is a need to suspend Standing Orders	Council
R3.	Annual Town Meeting cannot be held	LGA 1972 sets requirement for Annual Town Meeting	H	Monitor guidance from NALC & MHLCC; Seek guidance from SLCC; If meeting cannot go ahead as directed by Government this would supersede other legislation	Council
R4.	Annual Town Council meeting cannot be held	LGA 1972 sets requirement for Annual Town Council Meeting in May	H	Monitor guidance from NALC & MHLCC; Seek guidance from SLCC; If meeting cannot go ahead as directed by Government this would supersede other legislation; Liaise with Mayor/Deputy Mayor/Cllrs as necessary	Council
R5.	Decisions (operational/strategic) cannot be made		H	Review Scheme of Delegation; Record actions and decisions made so that they can be subsequently reported and scrutinised	Council
R6.	Access to accounting software	Town Clerk has remote access to the accounting software	L		Town Clerk
R7.	Payment of invoices		M	Identify alternative arrangements for the approval of payments (e.g. email/remote meetings)	Town Clerk / Council
R8.	Inability to pay staff	Town Clerk has remote access to HMRC PAYE basics	L		Town Clerk
R9.	Inability to meet statutory duties for the approval and sign off of end of year accounts and Annual Governance & Accountability Return (AGAR)		M	Town Clerk to carry out end of year process as planned, subject to guidance from NALC and MHLCC	Town Clerk / Council

Risk no	Description of Risk	Controls in Place / Mitigation	Low / Medium / High Risk	Actions Taken / Planned	Responsibility
<i>R10.</i>	Staff safety and welfare		H	Town Clerk to work from home	Council
<i>R11.</i>	Loss of key staff due to Covid19		H	Staff to adhere to Government/Public Health England advice/instructions; Cover for the Town Clerk will be found if required	Council
<i>R12.</i>	Communication on local Covid19 information and operation of Town Council		H	Regular information to be provided on social media and website and in the Carnforth Express	Town Clerk
<i>R13.</i>	Inability to run planned events/festivals		H	Cancel events and/or plan for remote alternatives; Funding for festivals withdrawn and transferred into Community Resilience Fund	Council

# Local Government Association Model Member Code of Conduct

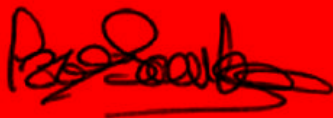
# Introduction

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 Izzi Seccombe OBE**  
Leader, LGA Conservative Group



**Councillor Nick Forbes CBE**  
Leader, LGA Labour Group



**Councillor Howard Sykes MBE**  
Leader, LGA Liberal Democrats 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]<sup>1</sup> in [public or in]<sup>2</sup> 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.

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.

## 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' to advise on and investigate alleged breaches, 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.

# Example

## LGA guidance and recommendations

### Internal resolution procedure

Councils should 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
4. See CSPL website for further details [www.gov.uk/government/news/the-principles-of-public-life-25-years](http://www.gov.uk/government/news/the-principles-of-public-life-25-years)
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**

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.  [Any unpaid directorship.]
<b>Sponsorship</b>	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 <b>Trade Union and Labour Relations (Consolidation) Act 1992</b> .
<b>Contracts</b>	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 —  (a) under which goods or services are to be provided or works are to be executed; and  (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council.  ‘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.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
<b>Corporate tenancies</b>	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.
<b>Securities</b>	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**

<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 the council;</b>	
Any Body—	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) 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.	







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REF 11.197

## **Habitual or Vexatious Complaints Policy**

### **Morecambe Town Council**

#### **Policy for Managing Habitual and/or Vexatious Complaints**

##### **1 Introduction**

- 1.1 Dealing with a complaint is normally a positive and helpful process, but in a small minority of cases, people pursue their complaints in a way which can impede the investigation of their complaint or can have a significant resource cost for the council. This can happen either whilst their complaint is being investigated, or once the council has dealt with the complaint.
- 1.2 We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner, and we will not normally limit the contact which complainants have with council staff.
- 1.3 However, we do not expect staff to tolerate unacceptable behaviour by any customer. We will take action to protect staff from such behaviour. Unacceptable behaviour includes behaviour, which is abusive, offensive or threatening.
- 1.4 If a complainant behaves in a way that is repetitive, habitual or vexatious, we will follow this policy to manage the interaction.
- 1.5 Raising legitimate queries or criticisms of a complaints procedure, for example if agreed timescales are not met, would not in itself lead to someone being regarded as a habitual and/or vexatious complainant.
- 1.6 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, would not necessarily cause him or her to be regarded as a habitual and/or vexatious complainant.

##### **2 Aim of the Policy**

- 2.1 To clarify how we will decide which complainants will be treated as habitual and/or vexatious, and what we will do in those circumstances.

### **3 Definitions**

- 3.1 We define habitual and vexatious complainants as those who, because of the frequency or nature of their contacts with the council, hinder our consideration of their or other people's complaints.
- 3.2 Examples include using repetitive methods or frequent contacts to raise their complaint with staff or responding inappropriately when informed of our decision about the complaint.
- 3.3 An habitual and/or vexatious complainant may:
  - a) Have insufficient grounds for their complaint and be making the complaint mainly to annoy or embarrass or to waste time
  - b) Refuse to specify the grounds of a complaint despite offers of assistance
  - c) Refuse to co-operate with the complaints investigation process
  - d) Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been given information about the policy and procedure
  - e) Refuse to accept that issues are not within the power of the council to investigate or influence e.g. complaint about something that is the responsibility of another organisation
  - f) Refuse to accept the outcome of the complaint process after its conclusion
  - g) Refuse to accept that the response or information given is truthful or accurate.
  - h) Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
  - i) Make an unreasonable number of contacts with us, in relation to a specific complaint or complaints
  - j) Harass or verbally abuse or seek to intimidate staff dealing with their complaint
  - k) Repeatedly introduce new information whilst the complaint is being investigated and expect this to be considered
  - l) Deny statements they made at an earlier stage in the complaint process
  - m) Make the same complaint repeatedly, after the complaints procedure has been concluded
  - n) Persist in seeking an outcome which is unrealistic for legal, policy, or other valid reasons

#### **4 Imposing Restrictions when behaviour is considered Vexatious**

- 4.1 We will always first ensure that the complaint is being, or has been, investigated properly according to the Council's Complaints Procedure.
- 4.2 If the complainant's behaviour appears to be problematic, the clerk will consult with the Chair or Vice Chair to agree how to proceed.
- 4.3 The clerk will contact the complainant to explain why their behaviour is causing concern and ask them to moderate their behaviour. The clerk will explain the actions that the council may take if the behaviour does not change and supply a copy of this procedure.
- 4.4 If the problem behaviour continues, then the Council will consider the situation and may decide that the behaviour is Vexatious. The Clerk will inform the complainant in writing of this, and of any limitations or procedures which have been put in place and for what period.
- 4.5 Any restrictions that are imposed on the complainant's contact with us will be appropriate and proportionate. In most cases restrictions will apply for 3 or 6 months but in exceptional cases may be extended to 12 months. In such cases the restrictions would be reviewed annually.
- 4.6 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include ;
  - a) Requiring the complainant to make telephone contact only through a third party, e.g. a solicitor, councillor, or friend acting on their behalf
  - b) Requiring the complainant to send emails only to a specific nominated individual.
  - c) Requiring contact to take place with one named member of staff only
  - d) Restricting telephone calls to specified times or of limited duration
  - e) Requiring any personal contact to take place only in the presence of an appropriate witness
  - f) Advising the complainant that we will not respond to any further contact from them on the specified topic of that complaint
- 4.7 When the decision has been taken to apply this policy to a complainant, the clerk will contact the complainant in writing to explain;
  - a) Why we have taken the decision
  - b) What action we are taking
  - c) The duration of that action
  - d) The review process of this policy, and
  - e) The clerk will enclose a copy of this policy in the letter to the complainant.

4.8 The fact that the complainant is judged to be a vexatious complainant and any restrictions imposed on our contact with them, will be recorded in Council minutes.

## 5 **New Complaints from complainants who are treated as habitual and/or vexatious**

5.1 New complaints from people who have come under this policy will be treated on their merits. The Clerk will decide and advise the council whether any restrictions which have been applied before are still necessary and appropriate in relation to the new complaint.

5.2 We do not support a 'blanket policy' of ignoring genuine service requests or complaints where they are raised. Any new issue raised will be given proper consideration.

## 6 **Review**

6.1 The status of a complainant judged to be habitual and/or vexatious will be reviewed by the Clerk and the Council after three months and at the end of every subsequent three months during the period in which the policy applies.

6.2 If, for reasons of persistent vexatious behaviour, a complainant is restricted for a longer period of 12 months, that decision will be reviewed annually.

6.3 The complainant will be informed of the result of the review, and whether the decision to apply this policy to them has been changed or extended.

## 7 **Record Keeping**

7.1 Adequate records will be retained by the Clerk of the details of the case and the action that has been taken.