

11 February 2025		ITEM: 6
Standards Committee		
Ethical Framework update		
Wards and communities affected: N/A	Key Decision: No	
Report of: Helen Nicol, Assistant Director Legal and Governance and Deputy Monitoring Officer		
Accountable Assistant Director: Helen Nicol, Assistant Director Legal and Governance and Deputy Monitoring Officer		
Accountable Director: Daniel Fenwick, Executive Director of Corporate Resources and Monitoring Officer		
This report is public with an exempt appendix		
<i>If the report, or a part of this, has been classified as being either confidential or exempt by reference to the descriptions in Schedule 12A of the Local Government Act 1972, it is hereby marked as being not for publication. The press and public are likely to be excluded from the meeting during consideration of any confidential or exempt items of business to which the report relates.</i>		
Version: Final		

Executive Summary

The Council's Constitution (at Chapter 7) in the members' Code of Conduct ("the Code") sets out the minimum standards of conduct required of Councillors. Councillors are required to ensure that any gifts and hospitality offered, that meet the required threshold, are registered with the Monitoring Officer. Further, Councillors are required to register and disclose their interests.

This report provides an update to the committee on ethical compliance and conduct in Thurrock to help it assess the ethical health of the authority. It covers the relevant reporting period (28 October 2024 to 3 February 2025; the report for the last Standards Committee on 5 November 2024 reported up to 27 October 2024, and publication of the agenda and reports for this Standards Committee being 3 February 2025):

- Gifts and hospitality declared by Councillors;
- Declarations of interest at meetings;
- New complaints received under the members' Code of Conduct and actions taken, together with details of any complaints concluded during the period and outcomes.

Version Control (delete as appropriate)

Version 1 - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision

1. Recommendation(s)

For the reasons set out in the report, the Standards Committee is asked to:

- 1.1 Note and provide any comment on the register of gifts and hospitality at Appendix 1;
- 1.2 Note and provide any comment on the register of declarations of interest at Appendix 2;
- 1.3 Note and provide any comment on Code of Conduct complaints received and concluded during the period, as set out in exempt Appendix 3.

2. Introduction and Background

The Council has a statutory duty to promote and maintain high standards of conduct by members and co-opted members of the council¹. References throughout this report to members means members and co-opted members. This includes agreeing and maintaining a code of conduct that maintains high standards of ethical conduct and behaviour that uphold the seven principles of standards in public life (the Nolan Principles), which 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 and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs

¹ S.27 Localism Act 2011

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The Council's Code of Conduct adopts the LGA model code and embeds the Nolan Principles. This report sets out how councillors have complied with key requirements in the Code of Conduct.

Gifts and hospitality

- 2.1 The Code requires Councillors not to accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on the Member's part to show favour 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.
- 2.2 In order to protect Councillor's positions and the reputation of the local authority, Councillors are advised to exercise caution in accepting any gifts or hospitality which are (or reasonably believed to be) offered because they are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult, in which case Councillors could accept it but must ensure it is publicly registered.
- 2.3 The Code provides that Councillors must register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of the date it was received. The Monitoring Officer places their notification on a public register of gifts and hospitality. Likewise, it is also a requirement of the Code for Councillors to register with the Monitoring Officer any significant gift or hospitality that they have been offered but have declined to accept. Councillors are reminded by Democratic Services at regularly intervals to declare gifts and hospitality.
- 2.4 Attached as Appendix 1 is a record of the gifts and hospitality declared during the relevant period. It is noted that one councillor made a declaration during the relevant period.

Declarations of interest

- 2.5 The Code requires members to register, disclose and not participate in any matter in which a member has a disclosable pecuniary interest as required by and defined by law in the Localism Act 2011 and prescribed regulations.
- 2.6 The Code sets out the requirements on registering and disclosing interests, members must:
- *Ensure that their register of interests is kept up to date and within 28 days of becoming aware of any new interest, or change to a registered interest, notify the Monitoring in writing.*
 - *Where a matter arises at a meeting which relates any of their disclosable pecuniary interests, make a verbal disclosure of the existence and nature of the interest, not participate in any discussion or vote on the matter, and must not remain in the room unless a member has been granted a dispensation.*
- 2.7 The Code also requires members to make a verbal disclosure of the existence of a "Other Registrable interest" or "Non-Registrable Interest" at any meeting at which they are present in any

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item of business to be considered, before the consideration of the item of business or as soon as the interest becomes apparent.

- 2.8 Attached as Appendix 2 is the record of Declarations of Interest made during the period, there are no declarations recorded.

Code of Conduct complaints

- 2.9 Section 27 of the Localism Act 2011 requires the Council to promote and maintain high standards of ethical behaviour by members of the Council. The number and type of complaint received by a council can help show where there are concerns with the conduct of councillors and direct the committee and monitoring officer to areas where additional guidance or other work may be necessary. Other trends may be identifiable, e.g. how many complaints are made by councillors against other councillors, which may suggest an element of political “tit for tat” in the use of the complaints process and which may be better dealt with by other means, e.g. discussion and mediation between the groups.
- 2.10 In discharging this duty the Council has adopted a Code of Conduct for members, which is currently set out in Chapter 7, Part 3 of the council’s constitution. The Code applies to members whenever they are acting in their capacity as councillors.
- 2.11 Accompanying the Code is a procedure that sets out how a complaint received pursuant to the Code will be dealt with.
- 2.12 Attached as **Appendix 3** is an exempt appendix containing a table that shows new complaints that have been opened during the period and also those that have been closed. The table has been updated to reflect on comments made by Standards Committee in July regarding information contained in this table. There are also a relatively low number of live complaints, but there are common themes to current open complaints – all from residents/ stakeholders and involve treating with respect allegations (although none have been proven as yet).

3. Issues, Options and Analysis of Options

- 3.1 Not applicable.

4. Reasons for Recommendation

- 4.1 To promote and maintain high standards of ethical behaviour of all Councillors.
- 4.2 To create and maintain public confidence in the role of councillors and local government.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The Independent Person in respect of complaints received as and when required.

6. Impact on corporate policies, priorities, performance and community impact

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6.1 The members Code of Conduct encourages good conduct and safeguard the public's trust and confidence in the role of councillors, thereby assisting the Council to meet its corporate policies and priorities, as well as maintaining public confidence.

7. Implications

7.1 Financial

There are no financial implications arising from this report.

7.2 Legal

The body of the report sets out the relevant statutory provisions. There are no additional legal comments.

7.3 Diversity and Equality

There are no specific diversity or equalities issues arising from this update report. All information regarding Community Equality Impact Assessments can be found here: <https://intranet.thurrock.gov.uk/services/diversity-and-equality/ceia/>

7.4 Risks

The aim of the requirement to declare declaration of interest and gifts and hospitality register is to guard against the risk of allegations of impropriety by individuals.

7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Members' Code of Conduct: [Thurrock Council - The Constitution, chapter 7, part 3](#)
- Procedure for making a Code of Conduct complaint: [Thurrock Council - The Constitution, chapter 7, part 2](#)

9. Appendices to the report

- Appendix 1 – Gifts and Hospitality update
- Appendix 2 – Declarations of Interest update
- Appendix 3 – Code of Conduct complaints update (exempt)

Report Author:

Helen Nicol, Assistant Director Legal & Governance and Deputy Monitoring Officer, Corporate Services

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