

# Core Information for Councillors

## Session 2

**Rob Ayliffe**

Director of Policy, Performance & Governance and Monitoring Officer

Thursday 20<sup>th</sup> May 2021

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# The Standards Regime

- Nolan principles of public life
- GCC Member Code of Conduct
- Complaints about Members
- Declarations of interest
- Monitoring Officer's role
- Independent Persons

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# Nolan Principles of Public Life

- **Selflessness:** act solely in the public interest
- **Integrity:** avoid obligation to others
- **Objectivity:** act impartially/fairly and make decisions on merit
- **Accountability:** scrutiny by the public
- **Openness:** open and transparent decision making
- **Honesty:** be truthful
- **Leadership:** set a positive example

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# Code of Conduct

What do you think are  
the main causes of  
complaints against  
Councillors?

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# Have I Got News for You:

*“Cllr McDonald should never have been part of committee”  
says High Court judge*

*“Ex Thanet DC leader used inside information in the buying of two properties”*

*“Sandwell Councillor breached Code of Conduct by trying to cancel parking tickets for family members”*

*“Nazi salute Plymouth Councillor suspended and then expelled”*

*“Ex Dorset leader guilty of conflict of interest”*

*“Former Council leader censured for repeated sexual harassment”*

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# Have I Got News for You:



**Nick Harrington**  
@nickjharrington

#Eurovision2017 thanks Ireland. You can keep your f'king gypsies! Hard border coming folks!

14/05/2017, 00:16



**Ben Duncan**  
@KemptownBen

Armed Forces Day has certainly brought the hired killers onto the streets of #Brighton today. Hard to explain to my son!

28/06/2014 16:40

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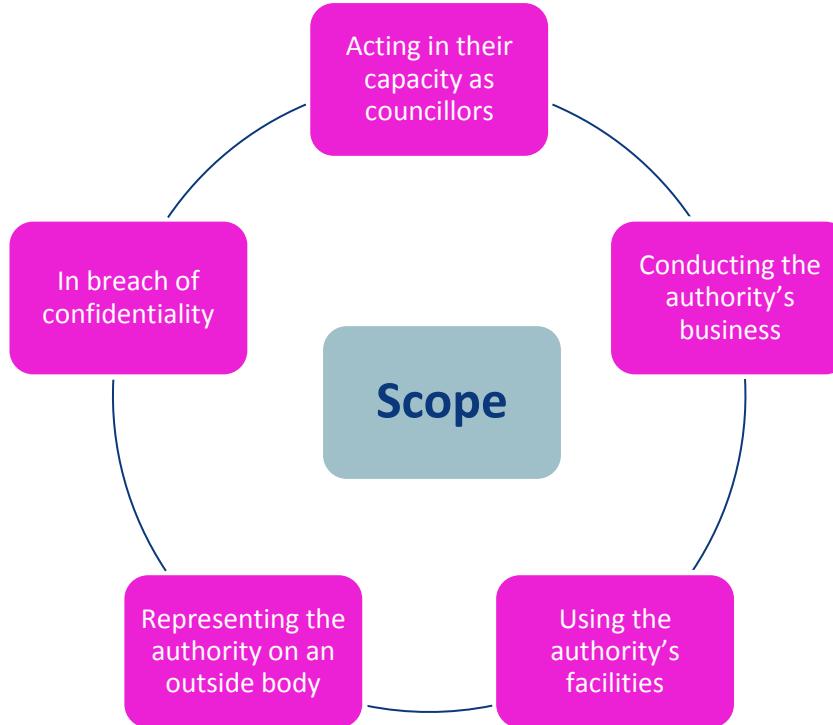
# GCC Councillor Code of Conduct

- Localism Act 2011 abolished Standards Board for England
- No national code, but:
  - Every Council must have one, approved by County Council
  - Reviewed annually by Audit & Governance Committee
- District/Borough and Town/Parish councils have different codes
- 2018 Report by Committee on Standards in Public Life
- LGA has developed a model code to encourage consistency and best practice

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# GCC Councillor Code of Conduct



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# Member Interests

## The Legalities

- The authority must establish and maintain a register of Disclosable Pecuniary Interests
- Pecuniary means 'pertaining to money'
- DPIs apply to you and your spouse/partner
- It is your personal duty to disclose – It is a criminal offence not to disclose a DPI without reasonable excuse
- DPIs are defined in law

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# Disclosable Pecuniary Interests

DPIs are defined in law as:

- Employment for profit or gain
- Sponsorship
- Contracts
- Land
- Licenses to occupy land
- Corporate tenancies
- Securities

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# Member Interests

## When do I disclose my interests?

- Within 28 days of being elected
- Within 28 days of becoming aware of an interest
- When present at a meeting which is considering a relevant matter
- Orally, as soon as you become aware

Discuss sensitive interests with the Monitoring Officer

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# What does having a DPI mean?

- ✗ You cannot participate in the debate or vote
- ✗ GCC standing orders say you must leave the room (or virtual meeting)
- ✗ Criminal sanctions:
  - Localism act - £5k fine and disqualification from office
  - Bribery Act – max 10 years in prison
  - Misconduct in Public Office

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# Other interests

*“Take all necessary steps to resolve personal conflicts of interest by declaring and registering your pecuniary and non-pecuniary interests...”*

- Membership of outside bodies
- Membership of district/borough or town/parish councils
- Membership of political parties
- Membership of trades unions
- Membership of charities
- Membership of pressure groups
- No obligation regarding secret societies

*There is no requirement to withdraw from the debate for other/non-pecuniary interests, but you must remove yourself from a position of influence*

# Common Interests

**These are interests that are so common they can be disregarded**

- Council housing (unless about your own tenancy)
- School transport, school meals (unless it relates to your child's school)
- Member allowances
- Any ceremonial honour
- Setting Council Tax (though arrears of 2 months or more must be disclosed at any budget meeting and you may not vote)

**Dispensations can be granted by written request in advance**

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# Bias and predetermination

**Bias:** Having a personal interest in the decision

**Predetermination:** Having a closed mind

- Predetermination is unlawful; predisposition is not
- The test is ‘apparent’ – what would a fair minded and informed observer conclude
- Particularly important for regulatory and quasi-judiciary functions, eg. Planning, Commons and Rights of Way

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# Gifts and hospitality

- Anything over £25
- In your capacity as a member
- Not necessary for GCC events
- Not necessary in your capacity as Chair or Vice-Chair of the Council, or their representative
- Register whether you accept or reject
- Perception is important

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# Member - Officer Protocol

<https://www.goucestershire.gov.uk/constitution/part-5-appendix-2-protocol-on-the-relationship-between-officers-and-members-of-gloucestershire-county-council/introduction/#main>

Officers should:

- Provide impartial advice on options and make recommendations
- Serve the whole council
- Give effect to decisions of the Council, regardless of whether they agree with them
- Act with political neutrality
- Never lobby members
- Provide information in confidence
- Not publically criticise the council or its policies

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# Member - Officer Protocol

<https://www.goucestershire.gov.uk/constitution/part-5-appendix-2-protocol-on-the-relationship-between-officers-and-members-of-gloucestershire-county-council/introduction/#main>

Members should:

- Respect officers' professional judgement
- Respect officers' political neutrality
- Avoid criticising officers in public
- Avoid making repeated or excessive requests for advice or information
- Not place undue pressure on junior or inexperienced officers

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# Process for handling complaints



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# Complaints against Councillors

- Initial assessment tests:
  - Acting in capacity as a member?
  - In office at the time of the alleged breach?
  - Minor or trivial?
  - Vexatious or malicious?
  - Historical?
  - A potential breach of the Code?
  - In the public interest?
- Independent Person consulted
- MO decision
- Hearings and Sanctions

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# The Monitoring Officer role in complaints

- Maintain Register of Interests and counter-sign declarations
- Provide training and guidance
- Report to the Audit and Governance Committee
- Link with Group Leaders
- Manage complaints about councillors:
  - Receive allegations
  - Carry out initial assessment
  - Consult with Independent Person
  - Prepare agendas/reports for Hearings Panel

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# The Independent Persons

- Appointed by County Council yesterday:
  - Bernard Barton-Ancliffe
  - Stephen Pearman
- Unpaid role
- ‘Voice of person on the street’
- Must be consulted at Initial Assessment, and if the case proceeds to a Hearings Panel

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# Any questions?

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# Introduction to Data Protection

## What every Councillor needs to know about handling personal data

**Jenny Grodzicka**

Head of Information Management and Data Protection Officer

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# Data Protection (DPA)

## What is personal data?

Anything that identifies a living individual, such as:

- Name
- Address
- Contact details
- Date of Birth
- NI number
- Information about family life

## What is special category data?

- Political opinions
- Racial or ethnic origin
- Physical or mental health
- Sexual life or sexual orientation
- Religious or philosophical beliefs
- Membership of a trade union
- Genetic and biometric data
- Criminal convictions (including alleged)

**Processing:** anything that can be done with data - stored, used, read, shared, destroyed etc

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# The Principles

**Personal data must be**

1. Processed lawfully, fairly and transparently
2. Collected for specific, explicit and legitimate purposes
3. Adequate, relevant and limited to what is necessary
4. Accurate and kept up to date
5. Retained for no longer than necessarily
6. Kept secure (both technical and organisational measures)

**Must be able to evidence compliance**

**Breaches of DPA can result in a fine (up to £17m)**

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# How does this affect your work as a councillor?

- The rules say there are two roles in handling personal data - **controller** or **processor** - and your work as a councillor means you'll be switching between them, depending on what you're doing.
- A **controller** determines the purposes and means of processing personal data - in other words, why we're collecting someone's information and how.
- And a **processor** is responsible for processing personal data on behalf of a controller - like when you're handling someone's information as part of your day to day council work and someone else is responsible for controlling it.

# Ask yourself – who am I collecting this for?

## 1. Politics

Your political party or you (if an independent) will be the data **controller**.  
If part of a political party you will be a data **processor**.

## 2. Constituency Work

When you are using personal data for your own campaigns or you're working on behalf of a resident, you are the **controller** and fully responsible for the data.

## 3. Council Work

If it's on behalf of the council, the council is the data **controller** and you're acting as a **processor**.

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# Individuals Rights

- **Access** to personal information (Subject Access Request or SAR)
- **Restrict** or **Object** to its use
- Ask for it to be **Rectified** or **Destroyed**
  - 1 month to respond (possible extension of further 2 months)
  - Can be made verbally
  - No charge

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# The council's DPO & SIRO

## Data Protection Officer (DPO)

Statutory role

The council must have a suitably qualified and experienced person in post.

Jenny Grodzicka

(pronounced Gro jeet ska)

Head of Information Management Service

[dpo@gloucestershire.gov.uk](mailto:dpo@gloucestershire.gov.uk)

## Senior Information Risk Owner (SIRO)

Aims to achieve a proportionate and risk-managed approach to security that enables council business to function effectively, safely and securely.

Rob Ayliffe

Director of Policy, Performance and Change

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# Take Aways

Evidence of compliance – appropriate recording

Transparent – privacy notices, consent for marketing

Minimal amount of data – only collect what you need

Secure – IT equipment, physical storage, access.

*Tell us if something goes wrong [informationsecurity@gloucestershire.gov.uk](mailto:informationsecurity@gloucestershire.gov.uk)*

Don't keep longer than needed – don't keep it just in case.

# Freedom of Information (FOI) / Environmental Information (EIR) Legislation

- Applies to the council
- Not directly applicable to you as a councillor, but...
- What you write and send to the council will be captured

*If you are writing about council business, bear in mind it could be released to the public.*

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# Requests

- Right to ask for access to recorded information held by or on behalf of the council
- The legislation doesn't need to be mentioned
- Often contained within other correspondence
- Environmental requests can be verbal
- There are legal reasons for not providing information
- 20 working days to respond

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# Complaints and ICO

- Individuals have the right to have their case (DPA, FOI or EIR) reviewed and revisited by the council.
- If they remain dissatisfied they can take their case to:
  - The Information Commissioner (ICO)
  - The Information Tribunal
  - The courts

# What do I need to do?

- Update your email signature wording
- Make sure you are aware of:
  - **Information Security Protocol** – the expected security standards
  - **Privacy Notice** – explains how you will use personal data
  - **Data Protection Policy Statement** – your commitment to compliance
- Read / watch the additional guidance
  - **LGA Councillors Guide to Cyber Security**
  - **FOI/EIR guidance**
  - **Data Protection and Cyber Security videos** (a link is on your iPad)
  - **Records Retention guidance**

The above can be found on Members Matters

- Questions? [dpo@gloucestershire.gov.uk](mailto:dpo@gloucestershire.gov.uk)

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# Any questions?

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# Helping you with your roles



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# Hallmarks of an effective Councillor

- Know their patch
- Listen to the concerns of local people and work with them to find solutions
- Make yourself available and visible – hold surgeries and attend meetings within your patch
- Be honest with people – be aware of people's expectations and let them know if they are unrealistic
- Work with officers of the council
- Challenge constructively
- Collaborate and seek advice

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# Your postbag

- What have been the main issues that have come up on the doorstep?
- How do you intend to respond to these?
- What help will you need?

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# Division Profiles

Key facts and figures statistics about your division, covering

Population

Vulnerable groups

Housing

Crime and safety

Health and wellbeing

Education and skills

Economy

Access and Transport

Communities and environment

How does your division compare to Gloucestershire and England as a whole

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# Local insight and intelligence

*Division profiles are available on Members Matter and the Inform Gloucestershire website*

*Profiles are also available at District and Parish level, along with a wealth of other data and intelligence about Gloucestershire*

[inform.glos.ac.uk](https://inform.glos.ac.uk)

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