

# The Code of Conduct for Members

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## Introduction

- Localism Act 2011 - Section 27 requires Councils to promote and maintain high standards of conduct by its Members and co-opted members
- In discharging this duty must adopt a Code of Conduct.
- Council adopted a new code on 1 July 2012 replacing Code of Conduct adopted May 2007
- Standards for England no longer exists



## Introduction (continued)

- Code applies to all Members and co-opted members of the Council whenever acting in official capacity as a Member or co-opted member.
- Code does not apply in any other circumstances including a Member / co-opted member's personal life.
- Code does NOT apply to the authority as a whole or to officers or employees of authority



## The Seven General Principles of Public Life

- selflessness;
- integrity;
- objectivity;
- accountability;
- openness;
- honesty;
- leadership.



## General obligations - A Member / co-opted member:

- (1) must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person. Conferring an advantage includes gaining financial or other material benefits themselves, family, a friend or close associate.
- (2) must not place themselves under a financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of official duties.



## General obligations - A Member / co-opted member:

(continued) ...

- (3) When carrying out public duties must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- (4) are accountable for decisions to the public and must co-operate fully with whatever scrutiny is appropriate to their office.



## General obligations - A Member / co-opted member:

(continued) ...

- (5) must be as open as possible about decisions and actions and the decisions and actions of the authority and should be prepared to give reasons for those decisions and actions.
- (6) must declare any private interests, both pecuniary and non-pecuniary, that relate to public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in Part 2.



## General obligations - A Member / co-opted member:

(continued) ...

- (7) must, when using or authorising the use by others of the resources of the authority, ensure that such resources are not used improperly for party political purposes (especially in the period between the publication of a Notice of Election and the election date, known as the 'purdah' period).

However, this paragraph will not apply in circumstances where Members pay for the use of the resources at a rate agreed by the authority. Must have regard to any applicable Local authority Code of Publicity made under the Local Government Act 1986.



## General obligations - A Member / co-opted member:

(continued) ...

- (8) must promote and support high standards of conduct when serving in their public post, in particular as characterised by the above requirements, by leadership and example.



## Pecuniary and non-pecuniary interests

- Within 28 days of taking office a Member or co-opted member must notify the Monitoring Officer of any Disclosable Pecuniary Interest (DPI)
- Also interests of spouse or civil partner, or somebody with whom living as a husband or wife, or as if civil partners.
- Must also, within 28 days of taking office notify Monitoring Officer of any Disclosable pecuniary or non-pecuniary interest which the authority has decided should be included in the register.



## Pecuniary and non-pecuniary interests - the Public Register

- SECTION 1 - Employment, Office, Trade, Profession or Vocation
- SECTION 2 - Sponsorship
- SECTION 3 - Securities
- SECTION 4 - Contracts with the Authority
- SECTION 5 - Land in the area of the Authority
- SECTION 6 - Corporate Tenancies - land owned by the Authority
- SECTION 7 - Licences to occupy land - any land in the Authority's area
- SECTION 8 - Other interests



## Pecuniary and non-pecuniary interests

(continued)

- If an interest has not been entered onto the authority's register, then the Member or co-opted member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.
- A 'Sensitive Interest' is one where disclosure of the details of the interest could lead to the Member or co-opted member, or a person connected with the Member or co-opted member, being subject to violence or intimidation.



## Pecuniary and non-pecuniary interests

(continued)

- Following any disclosure of an interest not on the authority's register or the subject of pending notification, a Member / co-opted member must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- Unless dispensation has been granted, a Member / co-opted member may not participate in any discussion of, vote on, or discharge any function related to any matter in which they have a pecuniary interest.
- Additionally, they must observe the restrictions the authority places on involvement in matters where they have a pecuniary interest or non pecuniary interest as defined by the authority.



## Gifts and hospitality

- Members must register gifts and hospitality worth £25 or over that they receive
- the source of the gift must be registered
- the gift and source must be registered within 28 days of receiving it
- Members must decide if they have a pecuniary or non-pecuniary interest in a matter that is likely to affect the source of their gift
- after 3 years the obligation to disclose the interest at meetings ceases



## The Complaints Process

- Stage 1 - the Whips' Protocol
- Stage 2 - formal Complaint to the Monitoring Officer and Standards Committee who consider all complaints
- Role of Independent Person
- Decisions made public



## The Complaints Process - Sanctions

- Breaches of the Code
- Criminal Offences





## The Planning Code of Conduct

- 'Fettering discretion in the planning process'
- 'Predetermination'



## The ICT Code of Conduct

- Dealing with the prohibition of the use of Council resources for party political purposes, particularly in an election period, unless a Member or co-opted member pays for the use of the resources at a rate agreed by the Council.
- Also a reminder to Members incurring loss of Council ICT equipment (given sensitive data it may contain) - should call the main switchboard immediately who will in turn contact a member of ICT who will block the device.



## Social Networking

- Blogging and social networking are effective methods for Members to interact with constituents and support local democracy. Used effectively, they can engage those who would not normally have access to local councillors and politics.

### **Don't**

- blog in haste.
- post comments that you would not be prepared to make in writing or face to face
- use Council facilities for personal or political blogs.

