

Parish Councils

Councillors' Code of Conduct

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Next Slide



Legal Basis

Localism Act 2011

protect your democratic role

encourage good conduct

safeguard the public's trust and
confidence in the role of councillor in
local government

Why it matters



Selflessness

Objectivity

Integrity

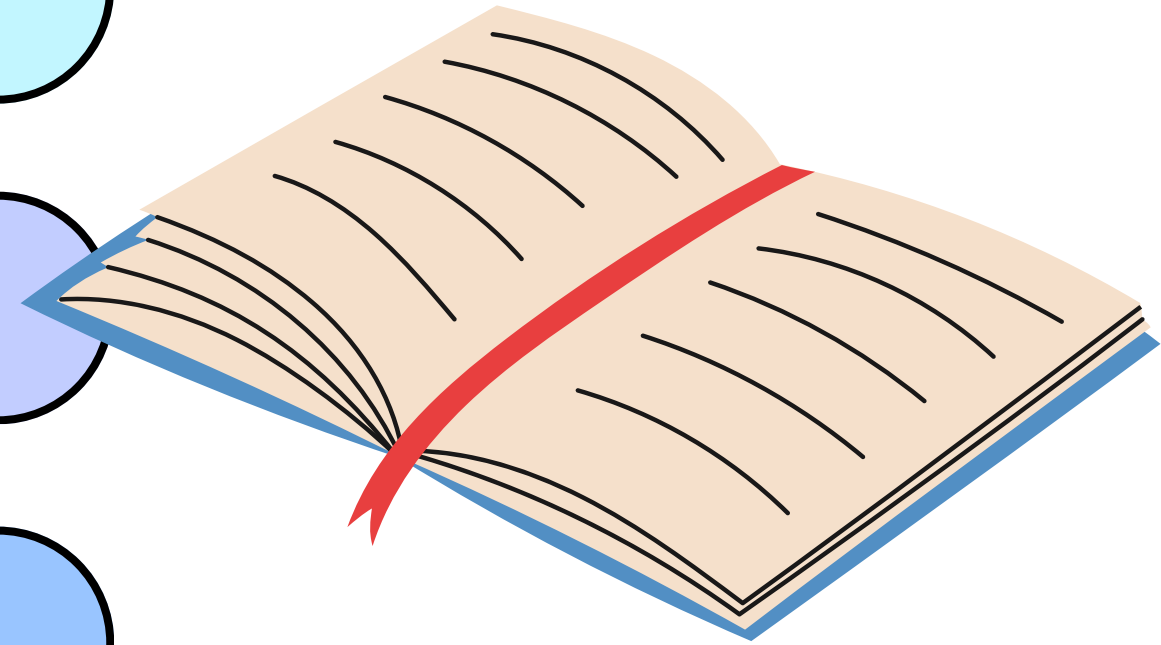
Accountability

Honesty

Leadership

Openness

Nolan Principles



Key Clauses

Treat others with respect

Not bully, harrass, or discriminate

Not compromise impartiality of officers

Not bring the Council or your office into disrepute

Not make improper use of your position

Not make improper use of resources

Cooperate with code of conduct issues

Deal with gifts & hospitality properly

Register and disclose interests

Examples

Treat others with respect

- Highly critical comment and offensive caption posted about a councillor who had recently died – disrespect (and disrepute)
- Comments on an Facebook post about nepotism in the award of a contract – disrespect (and disrepute)
- Councillor made abusive and insulting personal remarks to a District Councillor in their capacity as a ward member - disrespect

Examples

Bullying and Harassment

- An **isolated** minor incident unlikely to be bullying, but **cumulative** minor incidents can be
- Would a **reasonable person** consider the actions to be bullying and harassment? What was the impact on the victim?
- Attending an event in an official capacity, a councillor made unwarranted and inappropriate physical contact with another councillor and made patronising and demeaning comments - clear breach of the code.
- Same if they were not attending in an official capacity but reasonable member of the public would think they were acting as a councillor

**Examples - Equalities
Act 2010**

Bullying and Harassment

- Councillor liked racially discriminatory comments on social media advocating violence against travellers - breach of the code
- Councillor makes derogatory comments about the quality of work from female officers because of their sex - breach of the code
- Councillor refuses to work with a fellow officer or councillor on account of their sexuality - breach of the code

Examples

Impartiality of Officers

- Councillor pressurises officers to award grounds maintenance contract to a family friend (influencing decision-making and not declaring conflicts)
- Councillor demands officers change their recommendation on a report

Examples

Disrepute

- Disrepute is often an element of a breach of a different part of the code, but it can be a standalone breach
- It is focused on bringing your role as a councillor, or the public perception of your Authority, as negative because of your actions

Example: A Councillor lies in a newspaper about the actions taken by the Council on a key policy area

When you are acting in your capacity as a Councillor... but what does that mean?

- **When you are doing something in official capacity**
- **When you misuse your position as councillor**
- **When a reasonable member of the public would think you are acting as a councillor**

When does it apply?

- **All meetings: face-to-face; online, and telephone**
- **All written and verbal communication**
- **non-verbal communication**
- **Your digital footprint - social media posts, reactions, and comments**

When does it apply?

An argument with your neighbour?

Something written from a councillor email address?
Something from a personal email address signed 'Councillor X'?

A personal relationship between a councillor and an officer?

Argument with a taxi driver where you threaten their licence?

When canvassing for an election?

When does it apply?

- **Calling yourself a councillor (or not) is not conclusive - it depends on whether your post/email/conversation links to your role as a councillor or to the Parish Council's business**
- **Posting that an officer should be sacked without mentioning you are a councillor would still be covered by the Code**
- **Posting derogatory things about the Prime Minister without mentioning you're a councillor probably would not be covered**

Disclosure of Interests

**Which aspect of disclosing
interests do you find the most
difficult?**

Quick Guide to Interests

Disclosure of Interests

3 types of interests:

- Disclosable pecuniary (DPI)
- Other registerable (ORI)
- Non-registerable (NRI)

You either **register** or **disclose** these interests. NRIs are **disclosable**, the others are **registerable**.

Disclosable Pecuniary Interests (DPIs)

Disclosure of Interests

- Employment or trade
- Land interests you have (owned or rented/leased)
- Contracts you have with the Council (and so on)
- Cover you and your **spouse/partner**

You must register these within 28 days of election, and 28 days of the interest becoming apparent (e.g. if you get a new job). It is a **criminal offence** not to register these interests.

LGA guidance is that your address **is not published**, but you have to declare it so the Authority has a private record of this information.

Disclosable Pecuniary Interests (DPIs)

Disclosure of Interests

It is also a criminal offence under the Localism Act 2011 to fail to disclose your DPI at a meeting, to participate or vote when you have a DPI, or to provide false or misleading information about them

Where a matter arises at a meeting which **directly relates** to a DPI, you must:

- disclose it
- not participate in any discussion or vote on the matter
- leave the room (unless you have a dispensation from the Monitoring Officer)

Other Registerable Interests (ORIs)

Disclosure of Interests

ORIs relate to:

- unpaid directorships
- membership of outside bodies
- charities
- lobby groups
- trade unions
- political parties etc.

Must register within 28 days of taking up office and whenever your position changes

Other Registerable Interests (ORIs)

Disclosure of Interests

If a matter arising **directly relates** to the financial interest or wellbeing of an ORI, you must disclose it at that meeting

You can speak only if members of the public can speak too. Otherwise you can't join in discussion or vote. You can't stay in the room unless you have a dispensation.

Example:

1. awarding grant funding to a community group you're a member of

continued...

Disclosure of Interests

“affects...”

- affects your financial interest or wellbeing, and is **not** a DPI, or it affects the financial interest or wellbeing of a relative or close associate, or of a body included in your ORI list -
- Disclose it, but you can remain and participate and vote, unless **the matter affects the financial interest or wellbeing:**
 - a) to a greater extent than it affects the financial interests of a majority of inhabitants in the ward/area, **AND**
 - b) a reasonable member of the public, knowing all the facts, would believe that it would affect your view of the wider public interest

Non-Registerable Interests (NRIs)

Disclosure of Interests

Examples - what do you think?

1. You help to run a food bank and the council is considering a motion to investigate the causes of poverty in the area
2. You are over 65 and taking part in a discussion about provision for older people. You would be more affected than the majority of the committee by the decision's outcome

Sensitive Interests

Disclosure of Interests

Sensitive interests are interests which could lead to you, or someone connected to you, being subjected to intimidation or violence.

If you think you have a sensitive interest, tell your Clerk and your Monitoring Officer. Your MO needs to consider the reasons why the reason is sensitive and whether to withhold it from the public register.

When a sensitive interest is relevant at a meeting, you have to disclose that you have an interest, but not the nature of it.

Dispensations

Disclosure of Interests

- **Localism Act 2011** sets out circumstances where you can receive a dispensation.
- The **Clerk** or the **MO** can grant these. This is typically done by assessing the merits of each case each time

Bias, Predetermination, and Predisposition

Disclosure of Interests

- Not covered in the LGA's model code of conduct
- Important concepts to get to grips with

What do these concepts mean to you?

Bias, Predetermination, and Predisposition

Disclosure of Interests

- **Bias** – Everyone has some bias. Where your connections, preconceptions etc. make it appear that you would be inclined to vote a certain way
- **Predetermination** - Where your mind is completely closed and made-up before that item/decision is considered at committee/council
- **Predisposition** - the grey area between the two - most cases fall under predisposition

Predetermination Vs. Predisposition

Disclosure of Interests

s25 of the Localism Act:

- 2) A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because—
- (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and
 - (b) the matter was relevant to the decision.

Predetermination

Disclosure of Interests

What's the risk?

- the decision is legally challenged
- could also be a breach of the code (bringing the authority into disrepute, not being transparent and honest)

Predetermination

Disclosure of Interests

- Voting on something at committee which then goes to Full Council?
- Saying to the press that you will not vote to support a planning application?
- Whips?

The Clerk and the Monitoring Officer

Disclosure of Interests

Clerk is first-line for advice on interests and standards matters - your MO will not advise on interests where the Clerk has already given a view

MO is your point of contact for standards complaints

MO will:

- carry out the standards investigations and make the final decisions.
- maintain the register of interests, although your clerk will publish them

Clerk will:

- prompt you to complete your ROI
- provide initial advice on standards matters (before it gets to a complaint)

Relationship with the Clerk

Standards in Public Life

One of the biggest causes of Standards Complaints (and one of the most avoidable)