

## TRAFFORD COUNCIL

**Report to:** Executive  
**Date:** 28<sup>th</sup> February 2022  
**Report for:** For Decision  
**Report of:** Monitoring Officer

### Report Title

#### **Councillor Code of Conduct**

### Summary

This report provides members with details on the development of a new Councillor Code of Conduct for Trafford.

This report recommends a Councillor Code of Conduct for Trafford.

In accordance with the approval process set out in the Council's constitution:

- At the meeting of the Standards Committee held on the 15th December 2021 and at a meeting of the of the Scrutiny Committee on 7 February 2022, a report recommending a new Councillor Code of Conduct for Trafford was presented. Members considered and subsequently endorsed the proposed Trafford Councillor Code of Conduct for adoption by the Council; and
- In line with the Council's constitution, the Standard Committee and Scrutiny Committee considered the proposed Councillor Code of Conduct and subsequently agreed to recommend the Trafford Councillor Code of Conduct for adoption by the Council.

### Recommendation(s)

It is RECOMMENDED that Executive:

- a) Note the content of the report;
- b) Approves the Councillor Code of Conduct for Trafford; and
- c) Recommends the adoption of the Councillor Code of Conduct to the Council.

Contact person for access to background papers and further information:

Name: Dominique Sykes

## Implications:

Relationship to Policy Framework/Corporate Priorities	None
Relationship to GM Policy or Strategy Framework	None
Financial	None
Legal Implications:	<i>The legal implications are set out in the report</i>
Equality/Diversity Implications	None
Sustainability Implications	None
Carbon Reduction	None
Resource Implications e.g. Staffing / ICT / Assets	None
Risk Management Implications	None
Health & Wellbeing Implications	None
Health and Safety Implications	None

## 1.0 Executive Summary

- 1.1 All councils are required to have a local Councillor Code of Conduct. The Standards Committee is responsible for monitoring the Councillor Code of Conduct and for making recommendations to Full Council on any changes to the code
- 1.2 On 22 September 2021, the Standards Committee received a report which provided information regarding the LGA the Model Code of Conduct (“Model Code”) and associated guidance document and the report contained proposals to consult with interested parties in order to progress the development of a new code of conduct for Trafford, based on the Model Code.
- 1.3 In line with LGA guidance and the proposals set out in a further report to Standards Committee dated 25 March 2021, the Council undertook steps to consult with interested parties on the proposed adoption of the Model Code.
- 1.4 This report provides Members with an update following conclusion of the consultation exercise, details how the Model Code has been amended to include feedback received and proposes a Councillor Code of Conduct for Trafford (Appendix 1).
- 1.5 In accordance with the approval process set out in the Council’s constitution:
  - At the meeting of the Standards Committee held on the 15th December 2021 and at a meeting of the of the Scrutiny Committee on 7 February 2022, a report recommending a new Councillor Code of Conduct for Trafford was presented. Members considered and subsequently endorsed the proposed Trafford Councillor Code of Conduct for adoption by the Council; and

- In line with the Council's constitution, the Standard Committee and Scrutiny Committee considered the proposed Councillor Code of Conduct and subsequently agreed to recommend the Trafford Councillor Code of Conduct for adoption by the Council.

## **2.0 Trafford Council's current code of conduct**

- 2.1 Trafford Council's current Code of Conduct for Members was adopted by the Council on 19th September 2012 (and amended 25 November 2020). The code of conduct sets out the conduct expected of Members of the Council, both elected and co-opted.
- 2.2 At the time the Council's current Code of Conduct was developed Trafford took the lead for all GM authorities in drawing up the baseline Code of Conduct which was subsequently adopted across GM with some minor local variations.
- 2.3 The Council's current Code of Conduct was largely based on the Model Code of Conduct which was proposed by the LGA following the passing of the Localism Act in 2011.
- 2.4 The publication of the new Model Code and subsequent guidance by the LGA this year provided an excellent opportunity carry out an in-depth review of Trafford's current code of conduct.
- 2.5 A review of the Council's current code of conduct was necessary to ensure that the Council's code of conduct is fit for purpose, provides clarity on expected behaviours and manages and reflects public expectations. It was also important to ensure that the code of conduct reflects advances in technology, social media, case law and changes in legislation. In accordance with the Localism Act 2011, the Council has now reviewed its current code of conduct.

## **3.0 Consultation**

- 3.1 Area of Best Practice 3 from the Committee of Standards in Public Life suggests that authorities in reviewing their code of conduct should, where possible, seek the views of interested parties and members.
- 3.2 In terms of a GM position, there has been a varied response to the Model Code by the Greater Manchester authorities with none of the ten authorities having adopted the model code. Three (including Trafford) are progressing towards adoption with local amendments, two are awaiting the government's response to the CSPL recommendations prior to moving forwards, and the other five authorities are either in the early stages of considering the code or are yet to consider it.
- 3.3 In November 2021, Members, Parish Councillors and Standard Committee Members were invited to consider a draft Councillor Code of Conduct and provide feedback on whether it should be adopted as drafted or provide suggestions for amendments.
- 3.4 The responses received during the consultation exercise have been incorporated in to the table below alongside the Councils response to such feedback. The table also includes a summary of the amendments suggested by the LGA in their September 2021 review of the Model Code.

<u>Relevant Section from Draft Code of Conduct</u>	<u>Suggested Amendment/Proposed Solution</u>	<u>Response</u>
7.2b - use of Council resources	I am happy with the content, but perhaps add something specific about the purdah period during elections	Code amended at 7.2 to include pre-election reference.
9.1 - Register and disclosure of interests	I think that the draft covers this well and agree with the 28 day notification period. Would be a good idea however to have an annual requirement to declare interests	An annual requirement is not necessary as there is a 28 day requirement for all new/changes to interests – which is explained in the code. The introduction of an annual requirement may be misleading. No amendments proposed.
10 - I am happy with the whole of this section 10.2 Gifts and Hospitality over £50	I think that the estimated figure of £50 or over for the declaration of gifts and hospitality is about right	The code already contains a £50 value. Drafting to remain as is - This will result in a reduction from the current limit of £100.
4. Confidentiality and access to information	Make it clear that 4 i-v apply to both section 4 A and B.	Code amended at 4.1.1 to clarify wording application.
8.2 of the Guidance (not the Draft Code)	Albeit not in the code, the guidance will be a public document. In today's society I think threatening, someone's silence or none cooperation could provide an inference of guilt in an investigation feels overbearing/wrong!	Comments noted. Given that this wording is contained in the LGA's guidance document and not in the proposed Code, there are no steps to be taken. The LGA Guidance is out of scope but the Council will feed back the comment to the LGA at the next review opportunity presented by the LGA.
8. Protecting your reputation and the reputation of Trafford Council	Feels the word 'protection' looks to deceive rather than be open and fair	This relates to the section heading prior to section 9 of the code.  Wording amended to replace the word 'Protecting' with the word 'Preserving'
N/A	Include a section on Dispensations relating to declaration of Interests in line with the current Trafford Council Code of Conduct	Text added to Appendix B Paragraph 11 to confirm dispensations will be published on the Council website
<b><u>Amendments proposed by the LGA following and initial review of Model Code</u></b>		
Appendix B 7.2	The word 'authority' was missing	Already amended in draft code
Appendix B 8.2 c	<b>Original wording</b> c. a body included in those you need to disclose under Other Registrable Interests as set out in <b>Table 2</b>	Amended to - a financial interest or wellbeing of a body included under Other Registrable Interests as set out in <b>Table 2</b>

Appendix B 9	<b>Original wording</b> Where a matter <b><i>affects your</i></b> financial interest or well-being:	Removal of the word 'your' to make it clear it is any of the interests that apply.
<b>Other Local Amendments</b>		
Introduction	Wording has been included to link the development of the code to Best Practice recommendations and detail on those recommendations which are attached at Appendix C of the code	
Appendix B.11	Wording added to confirm that dispensations will be published on the Council's website.	

#### **4.0 Proposed Councillor Code of Conduct**

- 4.1 The proposed Councillor Code of Conduct is based on the LGA's Model Code and has been developed to include the local amendments detailed in section 3 of this report.
- 4.2 The proposed Councillor Code of Conduct is attached at Appendix 1 to the report.

#### **5.0 Proposed Next Steps**

- 5.1 If the proposed Councillor Code of Conduct is endorsed by the Executive the following steps are proposed to progress the adoption and implementation of the Councillor Code of Conduct for Trafford:
- the Councillor Code of Conduct will be submitted to Council on 23 Mar 2022 for final approval and adoption;
  - Once agreed by full Council, the Council's constitution will be amended to reflect the new Councillor Code of Conduct;
  - A training programme will be developed and delivered for all Councillors with a focus upon Executive Members and Councillors on decision making Committees receiving training before their first meetings after the new Code of Conduct is agreed by Council; and
  - Member induction training to be updated to reflect the new Code of Conduct.

#### **6.0 Other Options**

- 6.1 Retain our current Code of Conduct – but commence our own review and update any associated documents. This option is not seen as the best use of resources that the LGA has again taken a lead on this, consistent with the recommendations from the Committee for Standards in Public Life and the LGA have also indicated they will annually review the Code and provide guidance on interpretation

## **7.0 Reasons for Recommendation**

7.1 To ensure that the final adopted Code of Conduct for Councillors is fit for purpose, provides clarity on expected behaviours and manages and reflects public expectations

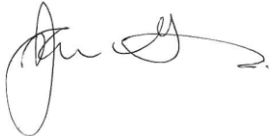
**Key Decision** (as defined in the Constitution): No  
**If Key Decision, has 28-day notice been given?** N/A

**Finance Officer Clearance** GB

**Legal Officer Clearance** DS

### **CORPORATE DIRECTOR'S SIGNATURE**

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

A handwritten signature in black ink, appearing to be 'J. Smith', written in a cursive style.

## APPENDIX 1

### **TRAFFORD COUNCIL** **COUNCILLOR CODE OF CONDUCT**

#### **Introduction**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role.

Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors. As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations. Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been developed in line with the Best Practice recommendations made by the Committee on Standards in Public Life in their report on the Local Government Ethical Standards (see Appendix C) and is designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

#### **Definitions**

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of Trafford Council or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities,

economic prosperity boards, combined authorities and National Park authorities.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The Council encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#) (See Appendix A), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:



- you misuse your position as a councillor
- Your actions would reasonably give the impression to a member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

### **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect 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 robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the Protocol on Member/Officer Relations.

## **2. Bullying, harassment and**

**discrimination As a**

**councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. 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 may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the council**

**As a councillor:**

- 3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, Trafford Council.**

Officers work for the local authority 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. 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. However, 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.

### **4. Confidentiality and access to information**

**As a councillor:**

**4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature,**

**4.1.1 Where information is received in accordance with (a) or (b), it shall not be disclosed unless:**

- i. I have received the consent of a person authorised to give it;**
- ii. I am required by law to do so;**
- iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- iv. the disclosure is:**
  - 1. reasonable and in the public interest; and**
  - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
  - 3. I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from 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 legally defined 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 Trafford Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

**5. Disrepute**

**As a councillor:**

**5.1 I do not bring my role or Trafford Council into disrepute.**

As a Councillor, you are trusted 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 you, other councillors and/the Council and may lower the public's confidence in you or the Councils ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Council into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

**6. Use of position**

**As a councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

**7. Use of local authority resources**

**and facilities As a councillor:**

**7.1 I do not misuse council resources and/or facilities.**

**7.2 I will, when using the resources and/or facilities of the local authority or authorising their use by others:**

- a. **act in accordance with Trafford Council’s requirements; and**
- b. **ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed; and**
- c. **ensure that I am aware of restrictions around the use of Council facilities and resources and act accordingly during the pre-election period.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Council’s own policies regarding their use.

## **8. Complying with the Code of**

### **Conduct**

#### **As a Councillor:**

**8.1 I undertake Code of Conduct training provided by Trafford Council.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Council or its governance. If you do not

understand or are concerned about the Council's processes in handling a complaint you should raise this with your Monitoring Officer.

## **Upholding your reputation and the reputation of Trafford Council**

### **9. Interests**

#### **As a councillor:**

##### **9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose 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 disclosed by you or other councillors when making or taking part in decisions, 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.

**Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1 of Appendix B**, is a criminal offence under the Localism Act 2011.

### **10. Gifts and**

#### **hospitality As**

#### **a councillor:**

**10.1 I do not 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 my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

### **10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, 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 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 if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **CODE OF CONDUCT APPENDICES**

### **Appendix A – The Seven Principles of Public Life**

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 disclose 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.

### Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

#### **Non participation in case of disclosable pecuniary interest**

4. Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate 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 disclose the nature of the interest, just that you have an interest.



Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as an executive member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or well-being of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose 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 disclose the nature of the interest.

### Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you 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 disclose the nature of the interest.
8. 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 relative or close associate; or
  - c. a financial interest or well-being of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a member of the public knowing all the facts would reasonably believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you 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 disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as an executive member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

#### Dispensations

11. In limited circumstances a dispensation may be granted to allow you to continue in discussions and vote on a matter provided the interest has been declared and where it is deemed to be in the public interest that you be allowed to do so. Where a dispensation is granted notice of such will be placed on the Council's website.

#### **Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<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.
<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 Trade Union and Labour Relations (Consolidation) Act 1992.

<b>Contracts</b>	<p>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</p> <p>—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'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.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor's knowledge)—</p> <ul style="list-style-type: none"> <li>) the landlord is the council; and</li> <li>) 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.</li> </ul>

<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>) either—</p> <p>) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>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 have a beneficial interest exceeds one hundredth of the total issued share capital of that class</p>
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\* *'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 Registrable Interests**

<p>You must register as an Other Registerable Interest :</p> <p>a) any unpaid directorships</p> <p>b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority</p> <p>c) any body</p> <p>(i) exercising functions of a public nature</p> <p>(ii) directed to charitable purposes or</p> <p>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</p>
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of which you are a member or in a position of general control or management

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.