



Why your Council's Code of Conduct Matters
**Helen Bradley, Director of Legal and Democratic
Services and Monitoring Officer**

TOWN & PARISH COUNCILLOR INDUCTION – JUNE 2025



Session Overview

- **Legislative Context**
- **Overview of the Member Code of Conduct – General Obligations**
- **Declaration of Interests**
- **Gifts and Hospitality**
- **Complaints**
- **Any Questions**

Legislative Context

Localism Act 2011

- Duty to uphold high ethical standards
- Requirement to have a Member Code of Conduct
- Consistent with Nolan Principles – “North Star of good governance”
- Applies when acting/giving the impression you are acting in an official capacity.

Overview of the Member Code of Conduct

Part 1 – General Obligations

Behaviour consistent with the Nolan Principles:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

Overview of the Member Code Conduct

General Obligations

- Champion the needs of residents
- Deal with matters fairly, appropriately & impartially
- Not to allow pressures/financial interests of yourself or others connected with you to deter you from pursuing the best interests of Council/the good governance of the Council
- Exercise independent judgement
- Listen to interests of all parties, including relevant advice
- Be accountable for decisions

Overview of the Member Code of Conduct

General Obligations

- Contribute to decision making in an open & transparent way;
- Comply with legal obligations, Council policies and procedures;
- Value colleagues and staff;
- Always treat people with respect:
“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. Members should express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. Members must not, however, subject individuals, groups of people or organisations to personal attack”

Overview of the Member Code of Conduct

- **General Obligations**
- Not to bring Council into disrepute
- Provide Leadership
- Do not disclose confidential information
- Co-operate with requests of the Monitoring Officer in relation to complaints/investigations

Overview of the Member Code of Conduct

General Obligations

- Not to bully or harass or intimidate or improperly influence

“Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone”

“Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual”

Declaration of Interests

Declaration of Interests

- Requirement to complete declaration of interests within 28 days of election
- Applies to new and returning councillors

Different Types of Interests:

- **Disclosable Pecuniary Interests (DPis)** – must be declared by law
- **Memberships of certain bodies/organisations** – required by the Code
- **Other relevant interests** – required by the Code

NB: check what the interests provisions are in your Council's Code

Declaration of Interests

Disclosable Pecuniary Interests

- **Employment, office, trade, profession or vocation**
- **Sponsorship** - any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out your duties as a member, or towards election expenses)
- **Contracts** - between the relevant person (or a body in which they have a beneficial interest) and the Council under which goods or services are to be provided or works are to be executed and which has not been fully discharged.
- **Land** - any beneficial interest in land which is within the area of the Council

Declaration of Interests

Disclosable Pecuniary Interests continued

- **Licences** - Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer
- **Corporate tenancies** - Any tenancy where, (to your knowledge) a) the landlord is the Council and b) the tenant is a body in which the relevant person has a beneficial interest
- **Securities** - Any beneficial interest in securities of a body where a) that body (to your knowledge) has a place of business or land in the area of the Council; and b) either – (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii) if the share capital of that body is of more than one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Declaration of Interests

Disclosable Pecuniary Interests (continued)

- If you have a DPI in a matter that is to be considered, that is on your register you must leave the meeting whilst any discussion/voting on the matter takes place
- If you have a DPI in a matter that is not on your register, you must disclose the interest to the meeting and leave whilst any discussion/voting on the matter takes place;
- You must register the interest within 28 days of the declaration

Declaration of Interests

Sensitive Interests

- Disclosure of the interest could lead to you, or a person connected with you, being subject to violence or intimidation
- Refer to Monitoring Officer
- Register will state that an interest has been registered but details withheld under S.32 Localism Act 2011

Declaration of Interests

Dispensations

- Can be granted to allow a Councillor with an interest to participate in discussion and/or vote
- Request must be made in accordance with your Council's Standing Orders
- Determined in accordance with the Council's Standing Orders (usually the Clerk/the Council)

May be appropriate to grant a dispensation where:

- So great a proportion of the council would be prohibited from participating in the business so as to impede the Council's transaction of that business
- Representation of different political groups would be so upset as to alter the likely outcome of any vote;
- It is in the interests of people living in the council's area
- It is otherwise appropriate.

Declaration of Interests

Failure to declare disclosable pecuniary interests:

- Within 28 days of becoming a councillor and/or when participating in business where your interest is engaged is (without reasonable excuse) a criminal offence
- Potential sanction is an unlimited fine/disqualification from holding/standing for office.

Declaration of Interests

Memberships of organisations/bodies

You must also register:

1. Any body of which you are a member (or in a position of general control or management) to which you are appointed or nominated by the Council;
2. Membership of any organisation or body which
 - (i) exercises functions of a public nature or
 - (ii) has charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member (or in a position of general control or management)

Declaration of Interests

Other Relevant Interests

Two stage Test:

- a) a decision in relation to a matter that might reasonably be regarded as affecting the well-being or financial standing of you, a member of your family or a person with whom you have a close association; or an organisation listed on the previous slide, to a greater extent that it would affect the majority of the Council Tax payers; rate payers or inhabitants of the ward/electoral; area for which they have been elected or otherwise of the authority's administrative area; **and**
- b) The interest is one that a member of the public with knowledge of the relevant facts would reasonable regard it as so significant that it is likely to prejudice their judgement of the public interest.

Declaration of Interests

Other Relevant Interests (continued)

- Declare existence and nature of the interest;
- May make a representation on the matter;
- Leave meeting before the discussion/vote on the matter.

Declaration of Interests

Advice on Interests

- Individual Councillors responsibility to consider/decide if they have an interest.
- Councillors can seek advice from the Monitoring Officer (do this as far in advance of the meeting as possible)
- Councillors may not like the advice given particularly if the advice is that a Councillor cannot participate in a matter. Does not mean that the advice is wrong
- Councillors can determine whether to follow the advice
- Advice is provided to protect the Councillor and the Council

Gifts & Hospitality

- Declare any gift, benefit or hospitality with a value in excess of £50
- Offered to you in your capacity as Councillor from any person or body other than the authority, whether the offer is accepted or declined.

Complaints

Procedure for Member Code of Conduct Complaints

When a complaint is received that a Councillor has breached the Code of Conduct:

- It will be reviewed to see if the Member Code of Conduct is engaged. If yes, Member will be invited to provide an initial response to the complaint.
- Complaint and initial response will be reviewed to see whether a potential breach of the Code, if so, is it suitable for informal resolution
- More serious/complex complaints may be referred for investigation
- Where an investigation finds a breach and/or the matter is not suitable for informal resolution matter will be referred to a Hearing

Complaints

Potential outcomes/sanctions

- No action
- Informal resolution
- Apology
- Training
- Mediation
- Censure
- Recommendations re roles & responsibilities
- No power to suspend/disqualify

Any Questions?

