

# Town & Parish Councillor Training

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# Localism Act

- The coalition government decided to change the standards regime that applies to all Local Authority councillors as it felt the old system was too bureaucratic and led to petty, malicious and politically motivated complaints.
- The Localism Act 2011 became law in November 2011 and its main provisions came into effect on 1 July 2012.

## Localism Act – key changes

- Abolished the strategic regulator, Standards for England
- No longer a National Code of Conduct – now a local Code instead
- Failure to declare a Pecuniary Interest is a criminal offence

## Localism Act – key changes

- Removed the obligation on local authorities to maintain a standards committee – now voluntary
- No obligation for standards committees to be chaired by independent people or to include Town & Parish reps
- Removed the power for standards committees to sanction unacceptable behaviour

## Duty under the Localism Act

- Duty to promote and maintain high standards of conduct by members (including co-opted and appointed)
- In discharging this duty the authority must adopt a code dealing with the conduct that is expected of members

## Duty under the Act

- District, Town and Parish Councils must adopt a code of conduct
- It must be consistent with the 7 Nolan Principles
- It must provide for the registration and disclosure of Interests
- Approved by Full Council

# Code of Conduct

- Town and Parish Councils must decide themselves which code to adopt. This can be the MDDC Code, NALC Code or another code as long as it meets the duties under the Localism Act
- Once you have adopted your code you are required to notify the Monitoring Officer as to which Code, when adopted and provide a copy

# Ethics and Standards

## Code of Conduct

- As a Councillor you are required to adhere to your Council's code of conduct



# Ethics and Standards

The Code of Conduct must be based on the 7 Nolan Principles (principles of public life):

1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership

# Nolan Principles

Selflessness – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends

# Nolan Principles

Integrity – Holders of public office should not place themselves under any financial obligation to outside individuals or organisations that might seek to influence them in performance of their official duties

# Nolan Principles

Objectivity – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit

# Nolan Principles

Accountability – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office

# Nolan Principles

Openness – Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

# Nolan Principles

Honesty – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protect the public interest

# Nolan Principles

Leadership – Holders of public office should promote and support these principles by leadership and example



# Ethics and Standards

The Code of Conduct must also include provision for:

- Pecuniary Interests
- Interests than Pecuniary Interests  
i.e. Personal Interests

# Ethics and Standards

## Pecuniary Interests

- A pecuniary interest is defined as:
  - “an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person”

# Ethics and Standards

- Pecuniary Interests
  - Business Interests (e.g. employment, trade, profession, contracts or any other company with which they are associated)
  - Wider financial interests (e.g. trust funds, investments and assets including land and property)

# Ethics and Standards

- Pecuniary Interests relate to:
  - Councillor
  - Their spouse or civil partner
  - A person who they are living with as husband or wife
  - A person who they are living with as if they were civil partners
- The legislation does not define interests other than Pecuniary Interests

# Code of Conduct

- The legislation does not define interests other than Pecuniary Interests
- However, these are known as personal interests

# Ethics and Standards

## Registering your interests

When you are first elected, co-opted or appointed as a member to your council you must, within 28 days of becoming a member, tell the Monitoring Officer who is responsible for your councils register of members' interests

# Register of Interests

- 'If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council, and of any committee, sub-committee, joint committee or joint sub-committee of your council.'

# Criminal offences

- *‘It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter; that will be or is being considered at a meeting where you are present, or on which you are acting alone.*
- *It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.*
- *If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.’*



# Ethics and Standards

- Differences between MDDC Code and NALC/DALC Code
- Pecuniary Interest – member must declare and withdraw from the room for that item of business
- Personal Interest – member can participate in the discussion and vote on the matter but must declare an interest

# Complaints of misconduct

- MDDC's has a procedure on handling complaints (ie arrangements under which allegations can be investigated).
- Principal authorities process allegations and make a decision whether there has been a breach of the code but they cannot impose a sanction. They can recommend a sanction to the Town or Parish Council which will make decisions on the allegations made.

# Complaints of misconduct

- Member informed of complaint
- Reviewed by Monitoring Officer
- Referred to Standards Sub Committee if appropriate
- Sanctions are very limited

# Standards Committee

- Standards Committee: General role
  - The Council shall establish a Standards Committee to carry out its functions relating to ethical matters under the Localism Act 2011.
- Standards Committee: Composition
  - (i) The Standards Committee shall be composed of nine District Councillors
  - (ii) The Standards Sub-Committee shall be composed of three of the District Councillors on the Standards Committee

# Standards Committee

- Specific Functions:
  - Promoting and maintaining high standards of conduct by Councillors and co-opted Members;
  - Assisting the Councillors and co-opted members to observe the Member's Code of Conduct
  - Advising the Council on the adoption or revision of the Members' Code of Conduct
  - Monitoring the operation of the Members' Code of Conduct

# Other items to think about

Confidentiality

Recording of meetings

Perception

Councillor v individual