

# Code of Conduct

Milland Parish Council

June 2021

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## MILLAND PARISH COUNCIL

### THE CODE OF CONDUCT FOR MEMBERS

#### PART 1 – Introduction and Interpretation

- a) This Code applies to you as a member of Milland Parish Council when you act in your role as a member. It is your responsibility to comply with the provisions of this Code.
- b) 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.
- c) 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.
- d) 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.
- e) You should read this Code together with the seven principles of public life on which it is based and which are set out in Appendix A.

#### Definitions

For the purposes of this Code of Conduct a **“Councillor”** means a member or co-opted member of a local authority. 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 is:**

- a) a member of any committee or sub-committee of the authority, or;
- b) 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.

For the purposes of this Code of Conduct, **“meeting”** means any meeting of:

- (a) the authority
- (b) any of the authority’s or its committees, sub-committees, panels and forums, joint committees or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

#### PART 2 – Scope and General Obligations

##### 1. Scope

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 LGA 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.

- (1) This Code applies to all members of Milland Parish Council, including co-opted members.
- (2) You must comply with this Code whenever you –
  - a. conduct the business of your authority, or
  - b. act, claim to act or give the impression you are acting as a representative of your authority or in your official capacity as a member of the authority.

## 2. General Obligations

### General principles of Councillor conduct

Everyone in public office at all levels, including Councillors should uphold the seven principles of Public Life, also known as the Nolan Principles (Appendix A).

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

- (1) When acting in your role as a member of the authority –
  - a. **do not** conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
  - b. **do not** use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
  - c. **do** treat others with respect;
  - d. **do not** bully any person;
  - e. **do not** intimidate or attempt to intimidate any person who is or is likely to be a complainant or a witness, or involved in any investigation or proceedings about a complaint that a member (including yourself) has failed to comply with his or her authority's code of conduct;
  - f. **do not** do anything which may cause the authority to breach any of the equality duties (as set out in the Equality Act 2010);
  - g. **do not** do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority;

- h. **do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless:
  - i. you have the consent of a person authorised to give that consent;
  - ii. you are required by law to do so;
  - iii. the disclosure is made for the purpose of obtaining professional legal advice and the recipient agrees not to disclose the information to any other person; or
  - iv. the disclosure is-
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority; and
    - (cc) you have consulted the Clerk prior to its release.
  - v. 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.
- i. **do not** prevent another person from gaining access to information to which that person is entitled by law;

(2) When using or authorising the use by others of the resources of the authority -

- a. **do** act in accordance with the authority's reasonable requirements.
- b. **do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
- c. **do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- d. **do** not misuse council resources

(3) When reaching decisions on any matter –

- a. **do** have regard to any relevant advice provided to you by the authority's Chief Finance Officer or the authority's Monitoring Officer, where that officer is acting pursuant to his or her statutory duties; and
- b. **do** give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

(4) **Complying with the Code of Conduct:** as a Councillor:

- a. I cooperate with any Code of Conduct investigation and/or determination.
- b. I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- c. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

### **3. 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 or co-opted member.

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 give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor.

This 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.

### **PART 3 – Disclosable Pecuniary Interests (Localism Act 2011)**

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.

#### **4. Notification of disclosable pecuniary interests**

- (1) Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any ‘disclosable pecuniary interests’ (Appendix B), these 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 the table in Appendix C (Other Registerable Interests).
- (2) A ‘disclosable pecuniary interest’ is an interest of yourself or your partner (which means spouse or civil partner, 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) within the description at sub-paragraph (3) below. Any interest which your partner may have is only treated as your interest if you are aware that your partner has the interest.
- (3).
  - a. any employment, office, trade, profession or vocation carried on for profit or gain;
  - b. any payment or provision of any other financial benefit (other than from the authority) made or provided within the preceding 12 months in respect of any expenses incurred by you in carrying out duties as a member, or towards your 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(a);

- c. any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the authority under which goods or services are to be provided or works are to be executed and which has not been fully discharged.
- d. any beneficial interest in land which is within the area of the authority;
- e. any licence (alone or jointly with others) to occupy land in the area of the authority for a month or longer;
- f. any tenancy where (to your knowledge) the landlord is the authority and the tenant is a body in which you or your partner has a beneficial interest;
- g. any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of the relevant authority; and 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, the total nominal value of the shares of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*(certain words and expressions used in this list are defined in Regulations)*

- (4) You must, within 28 days of becoming aware of any new interest or change to any interest registered under sub-paragraph (1) notify the Monitoring Officer of the details of that new interest or change.

## **5. Register of interests**

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

## **6. Sensitive interests**

- (1) Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.
- (2) You must, within 28 days of becoming aware of circumstances which mean that information excluded under paragraph (1) is no longer sensitive, notify the Monitoring Officer so that the information is included in your authority's register of members' interests.

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

- (1) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary

interest in any matter to be considered or being considered at the meeting, as set out in Appendix B-

- a. you must disclose the interest to the meeting.
- b. you may not participate in any discussion of the matter at the meeting, unless you have received a dispensation from the Clerk.
- c. you may not participate in any vote taken on the matter at the meeting, unless you have received a dispensation from the Clerk.
- d. 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.
- e. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.
- f. you must leave the room whilst the business is discussed, unless the public have the right to attend, in which case you should move to the public seating area. You may then make representations, answer questions or give evidence relating to the business, provided the public are also allowed to attend the meeting for the same purpose, and you have a dispensation from the Clerk enabling you to do so.
- g. if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

## **8. Offences**

(1) It is a criminal offence to-

- a. fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;
- b. fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- c. fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting;
- d. participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest, unless you have received a dispensation from the Clerk;
- e. fail to notify the Monitoring Officer within 28 days of the interest, if you are a member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter;
- f. knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting;

(2) The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

## **PART 4 – Other Interests (Personal and Prejudicial)**

### **9. Notification of other interests**

(1) In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of—

- a. this Code being adopted by or applied to your authority (or within the preceding four months); or
- b. your election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

- (2) You have a personal interest in any business of your authority where it relates to or is likely to affect—
- a. any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
  - b. any body of which you are a member or in a position of general control or management —
    - i. exercising functions of a public nature;
    - ii. directed to charitable purposes; or
    - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
  - c. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
- (3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under sub-paragraph (1) notify the Monitoring Officer of the details of that new interest or change.

## 10. Disclosure of other interests

(1) Subject to sub-paragraphs (3) to (5) below, where you have a personal interest described in paragraph 8 above or in paragraph (3) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the relevant time at the meeting, at the commencement of that consideration, or when the interest becomes apparent.

### (2) a. Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Appendix C**), 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.

### b. Disclosure of Non-Registerable Interests

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 Appendix B) 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.

- i. 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, close associate; or
  - (c) a body included in those you need to disclose under Other Registerable Interests as set out in **Appendix C**

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



- ii. Where a matter **affects** your 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 reasonable member of the public knowing all the facts would 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.

- iii. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.
- (3) (A) You have a personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of your ward affected by the decision;
- (B) In sub-paragraph (3)(A), a relevant person is—
- a.
    - i. your spouse or civil partner,
    - ii. living with you as husband and wife or as if you are civil partners,
    - iii. your grandparent,
    - iv. a lineal descendant of your grandparent,
    - v. a parent, sibling or child of a person within paragraph (i) or (ii),
    - vi. the spouse or civil partner of a person within paragraph (iii), (iv) or (v), or
    - vii. living with a person within paragraph (iii), (iv) or (v) as husband and wife or as if they are civil partners.
  - b. any person with whom you have a close association;
  - c. any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - d. any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - e. any body of a type described in paragraph 8(2)(a) or (b).

(3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a body described in paragraph 8(2)(a) or (b), you need only disclose to the meeting the existence and nature of that interest if you address the meeting on that business.

(4) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(2)(c), you need not disclose that interest if it was registered more than three years before the date of the meeting.

(5) Where you have a personal interest but, by virtue of paragraph 11, sensitive information relating to it is not registered in your authority's register of members' interests, you must

indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

- (6) Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

#### **11. Register of interests**

Any interests notified to the Monitoring Officer, under paragraph 8 above, will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

#### **12. Sensitive interests**

- (1) Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.
- (2) You must, within 28 days of becoming aware of circumstances which mean that information excluded under paragraph (1) is no longer sensitive, notify the Monitoring Officer so that the information is included in your authority's register of members' interests.

#### **13. Non participation in case of prejudicial interest**

- (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—
- a. affects your financial position or the financial position of a person or body described in paragraph 9 (2)(B); or
  - b. relates to the determining, amendment, modification, variation, or revocation of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 9 (2)(B), or of any condition, limitation or term to which it is subject.
- (2) You do not have a prejudicial interest in any business of the authority where that business relates to the functions of your authority in respect of—
- a. housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - b. schools, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - c. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - d. an allowance, payment or indemnity given to members;
  - e. any ceremonial honour given to members; and
  - f. setting council tax or a precept under the Local Government Finance Act 1992.

- (3) Subject to sub-paragraph (4) below, where you have a prejudicial interest in any business of your authority—
- a. you must disclose the interest to the meeting.
  - b. except as in d. below, you may not participate in any discussion of the matter at the meeting, unless you have received a dispensation from the Clerk or the interest is of the type mentioned in paragraph 8(2)(a).
  - c. you may not participate in any vote taken on the matter at the meeting, unless you have received a dispensation from the Clerk.
  - d. you must leave the room whilst the business is discussed, unless the public have the right to attend, in which case you should move to the public seating area. You may then make representations, answer questions or give evidence relating to the business, provided the public are also allowed to attend the meeting for the same purpose.
  - e. you must not seek improperly to influence a decision about that business.
- (4) Where the interest is of the type mentioned in paragraph 8(2)(a), you may participate in the discussion, but may not vote in relation to the matter unless you have obtained a dispensation from the Clerk.
- (5) Where, as an executive member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

#### **14. Gifts and Hospitality**

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

- (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.
- (2) I register with the Clerk any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- (3) I register with the Clerk 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.

#### **15. Pre-determination or bias**

- (1) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating

in a decision in your political role as member. However, do not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties. You must retain the ability to consider the matter with an open mind and to give proper consideration to all the facts and information relevant to the decision.

- (2) When making a decision, do consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

**16. Compliance with Constitution**

Failure to comply with the requirements of the Council's Constitution shall be deemed to be a breach of this Code.

## **Part 5 - Appendices**

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

#### **Selflessness**

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

#### **Integrity**

2. Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

#### **Objectivity**

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

#### **Accountability**

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

#### **Openness**

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

#### **Honesty**

6. Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour.

#### **Leadership**

7. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

**Appendix B – 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**.

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<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>	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 — (a) under which goods or services are to be provided or works are to be executed; (b) band which has not been fully discharged.
<b>Land and property</b>	Any beneficial interest in land which is within the area of the council. '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
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) 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.

Subject	Description
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>b) either—</p> <p>i) 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>ii) 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 has a beneficial interest exceeds one hundredth of the total issued share capital of that class</p>

- ‘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.

**Appendix C – Table 2: Other Registerable Interests**

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
  - i) exercising functions of a public nature
  - ii) any body directed to charitable purposes or
  - iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)



## Appendix D – 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.