

TOLLESHUNT D'ARCY PARISH COUNCIL

www.tolleshuntarcy.org

Chairman: John Smith - 07505 008891

Clerk: Michelle Curtis, PO Box 13205, Maldon, Essex CM9 9FU

Tel: 07483 325853 email: clerk@tolleshuntarcy.org



Notice is hereby given that the meeting of **TOLLESHUNT D'ARCY PARISH COUNCIL** will be held on **Tuesday 26th July 2022**, in the **Village Hall, Tollesbury Road**, commencing at **7.30 pm**, to which members of the Council are summoned for the transaction of the under-mentioned business.

M. Curtis

Michelle Curtis – Clerk to the Council

7th July 2022

Councillors: J Smith (Chairman), L Barwick (Vice-Chairman), J Brown, I Ewing,
M Henderson, G Munson, R Scott

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THE PRESS AND PUBLIC ARE CORDIALLY INVITED TO ATTEND

Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted however the privacy of (i) persons who object to the same and (ii) children and vulnerable adults must be respected by anonymising the identities of such.

AGENDA

1. **Chairman's welcome**
2. **Apologies for Absence**
To receive apologies for absence.
3. **Declaration of Interest**
Members are reminded that they are required to declare any Disclosable Pecuniary Interests, Other Pecuniary Interests or Non-Pecuniary Interests which they know they might have in items of business on the agenda. They are reminded that they will need to repeat their declarations at the appropriate point in the meeting and leave the room if required under the Code of Conduct. Unforeseen interests must be declared similarly at the appropriate time.
4. **County and District Councillors**
To receive information from County and District Councillors.
5. **Public Forum**
The Chairman will invite questions and observations from members of the public. A maximum time of **15** minutes will be allowed.
6. **Minutes**
To receive and approve the Minutes of the Meeting held on 28th June 2022.

7. Finance

7.1 To receive and approve Monthly Financial Report as at 30th June 2022

7.2 To receive and approve Payments

8. Planning Applications and Decisions

8.1 Planning Applications

Applications are circulated to all Councillors with the agenda, for study ahead of the meeting. Planning documents are also available for everyone to view on the Maldon District Council website (www.maldon.gov.uk).

To consider Planning Applications received from Maldon District Council.

8.2 Planning Decisions: To note decisions made by Maldon District Council

FUL/MAL/22/00090 - Outbuilding Manor House 20 Kelvedon Road – Refused

WTPO/MAL/22/00498 - 41A & 39 D'arcy Way – Refused

TCA/MAL/22/00632 - The Old Bakery 11 North Street - Approved

8.3 Appeals

To receive notification of Planning Appeals from Maldon District Council

8.4 Planning Appeal Decisions

To note decisions made by the Planning Inspectorate

8.5 Tree Preservation Orders (TPO)

To note TPO's made by Maldon District Council

9. Training

To consider any training requests from the Clerk or Councillors

10. Code of Conduct

10.1 To receive a copy of the PowerPoint presentation from Maldon District Council for the new Code of Conduct

10.2 To consider adopting the new Code of Conduct as recommended by Maldon District Council

11. Recreation Ground

11.1 Play Equipment – Funding Application

To receive an update from Cllr Barwick on a proposed new piece of play equipment for the Recreation Ground.

11.2 Roundabout

To ratify expenditure for repairs and repainting of the roundabout.

11.3 Works/Maintenance

To agree the proposed specification for various works to the play equipment

12. Police/Community Protection Officers (CPO)

12.1 Police Reports

To receive Police Reports (confidential)

12.2 Community Protection Officers (CPOs)

To receive the CPO report for June 2022

13. Administration

To receive information from the Clerk – update on current and ongoing matters.

14. Representative Reports

14.1 Burial Ground

14.1.1 To receive a verbal update from Cllr Henderson.

14.2 Recreation Ground/Pavilion

14.2.1 To receive a verbal update from Cllr Brown.

14.3 Public Rights of Way

14.3.1 To receive a verbal update from Cllr Henderson.

14.4 Road Safety/Highway

14.4.1 To receive a verbal update from Cllr Munson

15. Community Concerns

To receive information only or note future agenda items

16. Date of the Next Meeting

Next meeting to be held on:

Tuesday 30th August 2022 – Full Council Meeting – 7.30 pm- Village Hall

(= attached - # to follow)*

Date: 01/07/2022

Tolleshunt Darcy Parish Council

Page 1

Time: 19:03

**Bank Reconciliation Statement as at 30/06/2022
for Cashbook 1 - Current Bank A/c**

User: MICHELLE

<u>Bank Statement Account Name (s)</u>	<u>Statement Date</u>	<u>Page</u>	<u>Balances</u>
Unity Trust Bank	30/06/2022		48,378.90
			<u>48,378.90</u>
<u>Unpresented Cheques (Minus)</u>		<u>Amount</u>	
28/06/2022 ONLINE H M Revenue & Customs		121.60	
28/06/2022 ONLINE Michelle Curtis		32.30	
28/06/2022 ONLINE Lenny Aldridge		40.00	
28/06/2022 ONLINE Maurice Howard		175.00	
28/06/2022 ONLINE Bonz Cairey Ltd		144.00	
			<u>512.90</u>
			47,866.00
<u>Receipts not Banked/Cleared (Plus)</u>			
		0.00	
			<u>0.00</u>
			47,866.00
		Balance per Cash Book is :-	47,866.00
		Difference is :-	0.00

<u>Account</u>	<u>Opening Balance</u>	<u>Net Transfers</u>	<u>Closing Balance</u>
320 EMR Elections	100.00		100.00
321 EMR Parish Improvements	825.78	180.00	1,005.78
322 EMR Recreation Ground	11.25	5,000.00	5,011.25
323 Unallocated	296.57		296.57
324 EMR Burial Ground	1,103.83		1,103.83
325 EMR Maypole	15.00		15.00
	<u>2,352.43</u>	<u>5,180.00</u>	<u>7,532.43</u>

Detailed Receipts & Payments by Budget Heading 30/06/2022

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
<u>100 Income</u>							
1076 Precept	21,514	21,514	0			100.0%	
1990 Other Income	1,600	6,000	4,400			26.7%	
Income :- Receipts	<u>23,114</u>	<u>27,514</u>	<u>4,400</u>			84.0%	<u>0</u>
Net Receipts	<u>23,114</u>	<u>27,514</u>	<u>4,400</u>				
<u>110 Administration</u>							
██████████	████	████	████		████	████	
██████████	█	█	█		█	█	
██████████	█	█	█		█	█	
4070 Payroll Processing	0	80	80		80	0.0%	
4080 Training	0	300	300		300	0.0%	
4090 Bank Charges	27	72	45		45	37.5%	
4100 Audit Fees	175	375	200		200	46.7%	
4120 Subscriptions & Memberships	565	770	205		205	73.4%	
4130 Insurance	0	1,500	1,500		1,500	0.0%	
4150 Postage	0	10	10		10	0.0%	
4160 Telephone & Broadband	81	360	279		279	22.6%	
4170 Website	0	200	200		200	0.0%	
4180 Office Equipment	622	0	(622)		(622)	0.0%	
4190 Office Allowance	78	312	234		234	25.0%	
4200 Grants & Donations Paid	0	2,500	2,500		2,500	0.0%	
4230 CPOs	0	880	880		880	0.0%	
4500 Hall Hire	0	700	700		700	0.0%	
4990 Sundries	182	100	(82)		(82)	182.3%	
Administration :- Indirect Payments	<u>3,574</u>	<u>15,409</u>	<u>11,835</u>	<u>0</u>	<u>11,835</u>	<u>23.2%</u>	<u>0</u>
Net Payments	<u>(3,574)</u>	<u>(15,409)</u>	<u>(11,835)</u>				
<u>130 Amenities</u>							
4300 Defibrillator	214	400	186		186	53.5%	
4310 Grass/Hedge/Tree cutting	120	3,000	2,880		2,880	4.0%	
Amenities :- Indirect Payments	<u>334</u>	<u>3,400</u>	<u>3,066</u>	<u>0</u>	<u>3,066</u>	<u>9.8%</u>	<u>0</u>
Net Payments	<u>(334)</u>	<u>(3,400)</u>	<u>(3,066)</u>				
<u>135 Burial Ground</u>							
1350 Burial Ground Income	183	2,000	1,817			9.2%	
Burial Ground :- Receipts	<u>183</u>	<u>2,000</u>	<u>1,817</u>			<u>9.2%</u>	<u>0</u>

Detailed Receipts & Payments by Budget Heading 30/06/2022

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
4360 Water	28	70	42		42	40.2%	
4370 Maintenance	0	100	100		100	0.0%	
Burial Ground :- Indirect Payments	28	170	142	0	142	16.5%	0
Net Receipts over Payments	155	1,830	1,675				
<u>140 Pavilion</u>							
4360 Water	270	400	130		130	67.6%	
4370 Maintenance	0	1,000	1,000		1,000	0.0%	
4400 Electricity	914	600	(314)		(314)	152.3%	
Pavilion :- Indirect Payments	1,184	2,000	816	0	816	59.2%	0
Net Payments	(1,184)	(2,000)	(816)				
<u>145 Rec Ground</u>							
1450 Pitch Fees	0	250	250			0.0%	
Rec Ground :- Receipts	0	250	250			0.0%	0
4370 Maintenance	150	500	350		350	30.0%	
4550 Play Equipment	0	3,000	3,000		3,000	0.0%	
Rec Ground :- Indirect Payments	150	3,500	3,350	0	3,350	4.3%	0
Net Receipts over Payments	(150)	(3,250)	(3,100)				
<u>155 Streetlighting</u>							
4370 Maintenance	0	100	100		100	0.0%	
Streetlighting :- Indirect Payments	0	100	100	0	100	0.0%	0
Net Payments	0	(100)	(100)				
<u>160 Projects</u>							
4610 Parish Improvements	320	500	180		180	64.0%	320
4620 Rec Ground	0	5,000	5,000		5,000	0.0%	
Projects :- Indirect Payments	320	5,500	5,180	0	5,180	5.8%	320
Net Payments	(320)	(5,500)	(5,180)				
6000 plus Transfer from EMR	320						
Movement to/(from) Gen Reserve	0						

Detailed Receipts & Payments by Budget Heading 30/06/2022

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
Grand Totals:- Receipts	23,297	29,764	6,467			78.3%	
Payments	5,590	30,079	24,489	0	24,489	18.6%	
Net Receipts over Payments	<u>17,707</u>	<u>(315)</u>	<u>(18,022)</u>				
plus Transfer from EMR	320						
Movement to/(from) Gen Reserve	<u>18,027</u>						

Town and Country Planning Act 1990
Weekly List Of Decisions
Week Ending 1 June 2022



FUL/MAL/22/00090 **Tolleshunt D'Arcy**
 Subdivision of the plot to create a new dwelling.
 Outbuilding Manor House 20 Kelvedon Road Tolleshunt D'arcy
 (UPRN - 010094635435)
 Mr and Mrs Smee

REFUSE for the following reasons:-

1. The proposed development, by reason of its location, would result in an inappropriate form of backland development that is out of keeping with the established pattern and design of development found at this section of Kelvedon Road, to the detriment of the character of the area and the occupiers of the host dwelling, Manor House, 20, Kelvedon Road. This is contrary to Policies D1 and H4 of the Maldon District Local Development Plan (2017), the principles set out in the Maldon District Design Guide (2017), and Paragraphs 71, 126, 130 and 134 of the National Planning Policy Framework (2021).
2. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan (2017) and the guidance set out in the National Planning Policy Framework (2021).

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Officer: Lisa Greenwood
 Dated : 24/06/2022

Town and Country Planning Act 1990
Weekly List Of Decisions
Week Ending 1 June 2022



WTPO/MAL/22/00498 Tolleshunt D'Arcy

T2 Horse Chestnut located in 41A - southern lowest overhanging branch to be removed, large overhanging branch towards house removed, 8 metres large overhanging branch to be removed and reduce rest of south canopy by approximately 1 metre. T7 Horse Chestnut located in 39 - Removal of the overhang encroaching on 41A and their garden resulting in a 4 metre reduction.

41A & 39 D'arcy Way Tolleshunt D'arcy Essex CM9 8UD
(UPRN - 010014002808)

Miss Kristie Smith

REFUSE for the following reason:-

The proposed works are considered to be excessive and inappropriate for which insufficient justification has been provided. If carried out the works would result in a significantly detrimental impact upon the health of the tree and its amenity value to the detriment of the character and appearance of the area.

Officer: Jade Elles

Dated : 28/06/2022

Town and Country Planning Act 1990
Weekly List Of Decisions
Week Ending 1 June 2022



TCA/MAL/22/00632 Tolleshunt D'Arcy

T1- Sycamore to be thinned out by 25% and a crown uplift up the 6 meters to clear all surrounding buildings. T2 - Sycamore to be felled.

The Old Bakery 11 North Street Tolleshunt D'Arcy Essex
(UPRN - 200000913231)

Mr Tim Langdon

ALLOWED TO PROCEED

Officer: Vikki Bowles

Dated : 27/06/2022

The LGA Model Councillor Code of Conduct

Maldon District Council

Purpose of the training

- To reflect on the importance of standards in public life
- To outline the provisions of the local authority's code of conduct
- To look at the requirements of behaviour and conduct for councillors
- To explore interests, bias and predetermination

The importance of standards in public life

“Local government impacts the lives of citizens every day, providing essential services to those it serves. Its decisions directly affect the quality of life of local people. High standards of conduct in local government are needed to demonstrate that those decisions are taken in the public interest and to maintain public confidence”

The Committee on Standards in Public Life

**What are the main challenges
for you as a councillor in
ensuring high standards of
conduct?**

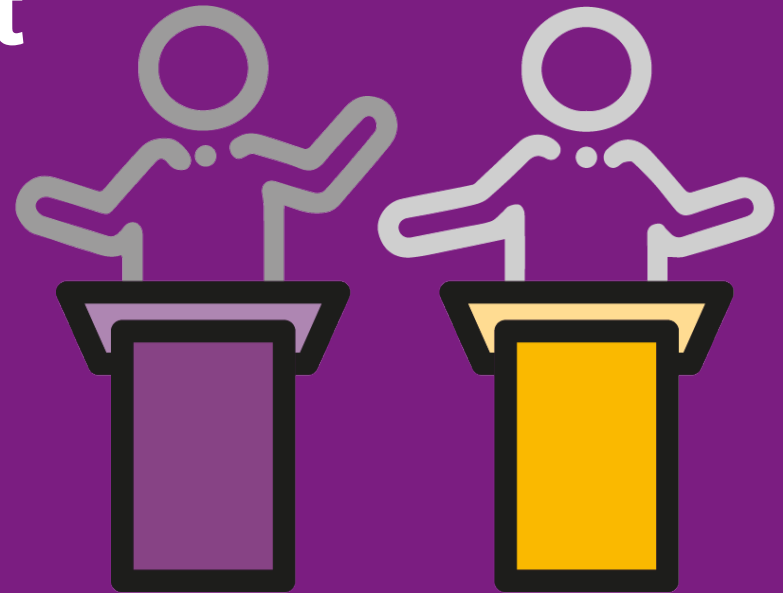
The LGA Model Code

- The Committee on Standards in Public Life recommended the introduction of an updated model code in January 2019
- The LGA model code was introduced in December 2020 and the Council will bring the Code into effect on the 4th July

Purpose of the code

- To assist councillors in modelling the expected behaviour
- To provide a personal check and balance
- To set out the type of conduct that could lead to action being taken against you
- Also to protect you, the public, your fellow councillors, officers and the reputation of local government

General principles of councillor conduct



Principles

- Everyone in public office at all levels who serve the public or deliver public services should uphold the Seven Principles of Public Life, also known as the Nolan Principles
- The Model Code takes into account these Principles which were developed specifically for the role of councillor

The Nolan Principles

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

General Principles (on all occasions)

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

General Principles (in undertaking your 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
- I ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest

Application of the code of conduct



The code applies...

- When you are acting in your capacity as a councillor which may include when.....
 - You misuse your position as a councillor or
 - 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

The code applies to

- Face-to-face meetings
- Online or telephone meetings
- Written communication
- Verbal communication
- Non-verbal communication
- Electronic and social media communication, posts, statements and comments

Examples from the Guidance

- An argument with your neighbour – private
- A councillor and an officer having a personal relationship – covered by the code
- Writing on council notepaper or using council e mail, using councillor business cards or wearing council regalia – covered by the code
- An argument with a taxi driver and a threat to their licence – covered by the code

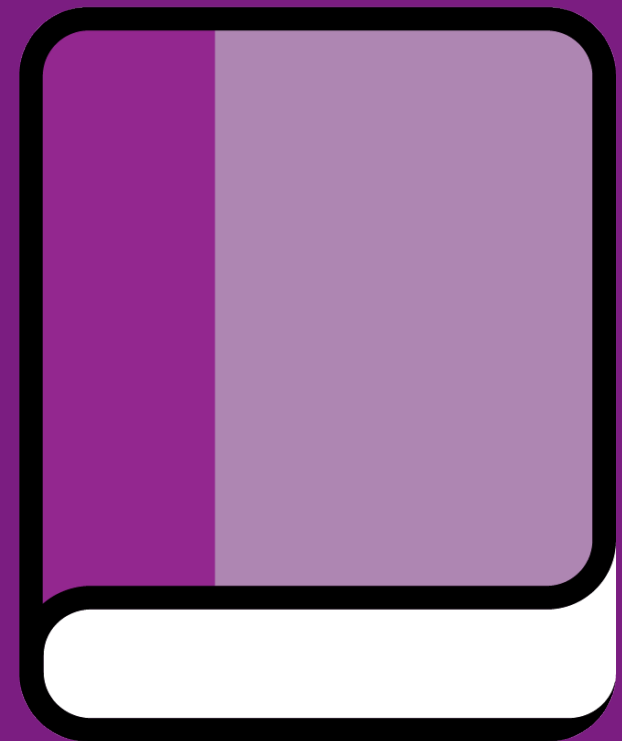
Social Media

- Now explicitly covered by the code
- Can be the main source of code of conduct complaints in many local authorities

Examples from the Guidance

- Calling yourself a councillor (or not doing so) is not conclusive
- There must be a link within the posting or thread to your role as a councillor or to local authority business
- Councillor posted on Facebook (as a member of the public) that an officer should be sacked – covered by the code
- Councillor made insulting remarks about the Prime Minister – not covered by the code

General obligations under the code of conduct



Which of these do you think generates the most complaints?

1. Treating others with respect
2. Not bullying, harassing or discriminating
3. Not compromising the impartiality of officers
4. Dealing properly with information
5. Not bringing the council or your office into disrepute
6. Improper use of your position
7. Improper use of resources
8. Cooperating with code of conduct issues
9. Registering and disclosing interests
10. Dealing properly with gifts and hospitality

Standards of Councillor Conduct (1)

- I treat other councillors and members of the public with respect
- I treat local authority employees, employees and representatives of partner organisations and volunteers with respect and respect the role they play

Examples from the Guidance

- Highly critical comment and offensive caption posted about a councillor who had recently died – disrespect (and disrepute)
- Comments on a blog about nepotism in the award of contracts – disrespect (and disrepute)
- Councillor made abusive insulting and personal remarks to a police officer in his capacity as a ward member – disrespect

Standards of Councillor Conduct (2)

- I do not bully any person
- I do not harass any person
- I promote equalities and do not discriminate against any person

Examples from the Guidance on bullying and harassment

- Isolated minor incident unlikely to be bullying, but cumulative minor incidents can be
- Did the councillor know their actions constitute harassment, would a reasonable person consider the actions to be harassment and what was the impact on the victim
- At an official event, a councillor made unwarranted and inappropriate physical contact with councillors and officers and made patronizing and demeaning comments – this was a breach of the code

Examples from the Guidance on equalities and discrimination

- Councillor “liked” racially discriminatory comments on social media advocating violence against travellers – a breach of the code
- Councillor made a derogatory racist comment about a candidate for a job – a breach of the code

Standards of Councillor Conduct (3)

- I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority

Examples from the Guidance

- Councillor became involved in a social care case and inappropriately sought to influence operational decision making. He sent discourteous correspondence to officers
- Councillor sought to influence the decision of council officers dealing with a complaint by his son and daughter-in-law against a tenant
- Both were breaches of the code

Standards of Councillor Conduct (4)

- I do not disclose confidential information unless...
 - I have the required consent
 - I am required to do so by law
 - I need professional third-party advice
 - The disclosure is reasonable, in the public interest, in good faith, complies with the local authority's requirements and there has been consultation with the Monitoring Officer

Standards of Councillor Conduct (4) (cont.)

- I do not improperly use knowledge gained as a result of my role
- I do not prevent lawful access to information

Examples from the Guidance

- Councillor was involved in an adoption case and inadvertently shared information about the matter with a relative of the constituent – a breach of the code
- Councillor circulated information about the medical condition of an officer without consent – a breach

Standards of Councillor Conduct.(5)

- I do not bring my role or local authority into disrepute

Examples from the Guidance

- Councillor posted an offensive tweet about another councillor referring to the SFO investigating her conduct – this brought the authority into disrepute
- Councillor took advantage of a mistake and failed to prevent local authority employed contractors working on his (privately owned) home – this brought the authority into disrepute
- Chair of a council made a deeply inappropriate remark at a meeting. Many other councillors expressed concerns and found the remarks inappropriate – this brought his office (but not the authority) into disrepute

Standards of Councillor Conduct (6)

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

Examples from the Guidance

- Councillor discussed and voted on a new lease to a community group without revealing that she was the “joint co-ordinator” of the group – this was using her position improperly
- Leader failed to declare a conflict of interest and used his position to enhance the value of his own land (by instructing a planning officer re the route of a by-pass) – a breach of the code (and an 18 month prison sentence)

Standards of Councillor Conduct (7)

- I do not misuse local authority resources.
- I will use them in accordance with the local authority's requirements and will not use them 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 my office)

Examples from the Guidance

- Councillor used council computer equipment for private purposes by downloading pornographic images – this was a misuse of resources (and also disrepute)
- Councillor used council notepaper in an attempt to avoid parking penalties incurred by his son – this was a breach of the code (and a conviction for deception)

Standards of Councillor Conduct (8)

- I undertake standards training
- I co-operate with any standards investigation and/or determination
- I do not intimidate/attempt to intimidate any person who is likely to be involved with the administration of an investigation or proceedings
- I comply with any sanction imposed on me following a breach finding

Protecting your reputation and the reputation of the local authority



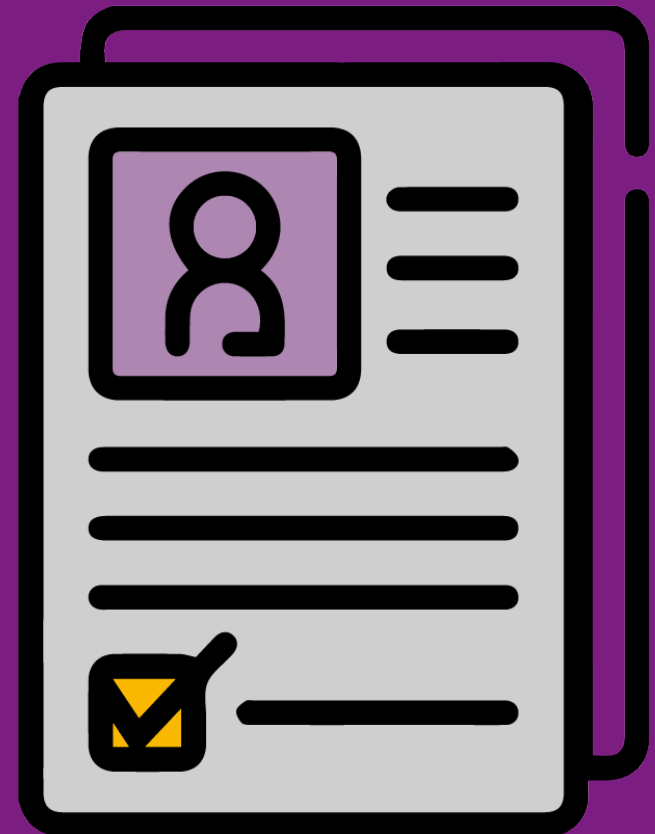
Standards of Councillor Conduct (9)

- I register and disclose my interests

Standards of Councillor Conduct (10)

- I do not accept gifts and hospitality, irrespective of value, which could give rise to gain or concern
- I register any gift or hospitality of £50 or more with the MO within 28 days
- I register with the MO any significant gift or hospitality I have been offered but rejected

Registration and disclosure of interests



**Which aspects of
registering or disclosing
interests do you find
most challenging?**

Interests

- Three types...
 - Disclosable pecuniary interests (DPIs)
 - Other registerable interests (ORIs)
 - Non-registerable interests (NRIs)
- Two situations...
 - Registration
 - Disclosure

Disclosable pecuniary interests (DPIs)

- They relate to things such as your employment, interests in land, contracts with the Council etc. (Table 1)
- They cover interests of you and of your spouse/partner
- You must register them within 28 days of election and whenever your position changes
- It is a criminal offence under the Localism Act 2011 to fail to register DPIs, to fail to disclose them at meetings, to participate or vote where you have a DPI or to provide false or misleading information about them

DPIs (2)

- Where a matter arises at a meeting which **directly relates** to a DPI, you must disclose it, not participate in any discussion or vote on the matter and not remain in the room (unless you have a dispensation)

Guidance on DPIs

- You have a DPI where the matter being discussed directly relates to your registered interest rather than just affecting it
- If you live at 1 Acacia Avenue, you will have a DPI if you apply for planning permission for 1 Acacia Avenue or if the whole of Acacia Avenue is being considered for a Residents' Parking Zone.
- You will not have a DPI if 3 Acacia Avenue has put in a planning application (though you may have a NRI)

Examples from the guidance – DPIs

- Awarding a contract to your own company
- Planning application for your own property
- Resident parking zone includes your house
- All these are DPIs, so you you should disclose and withdraw (unless you have a dispensation)
- Criminal offence if you fail to do so – Section 34 of the Localism Act 2011

Other registerable interests (ORIs)

- Relate to unpaid directorships, membership of outside bodies, charities, lobby groups, TUs, political parties etc. (Table 2)
- Must register them within 28 days of election/appointment to office and whenever your position changes

ORIs (2)

- Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of an ORI, you must disclose it
- You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have a dispensation
- (See later for what to do if something **affects** one of your ORIs)

Examples from the guidance – ORIs

- Awarding/withdrawing grant funding or granting planning permission to a body of which you are a member e.g. community hall
- Both directly relate to the finances of an ORI.
- Both are therefore interests you should disclose, you should not participate in the discussion or vote and withdraw (unless you have a dispensation or the public can address the meeting)

Non-registerable interests (NRIs) “directly relates to”

- Where a matter arises at a meeting which **directly relates to** your financial interest or well-being (and is not a DPI) or to a financial interest or well-being of a relative or close associate, you must disclose it.
- You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have a dispensation

Examples from the guidance

- Determining an application submitted by your sister or your neighbour for a dog breeding licence
- Partner with free parking permit and policy review decision to be made
- You object in a private capacity to your neighbour's planning application

Examples from the guidance

- All these three **directly relate to** the finances of you, a partner, relative or close associate
- All are therefore interests you should disclose and you should not take part in any discussion, not vote and not remain in the room, (unless you have a dispensation or the public can address the meeting)

Non-registerable interests (NRIs) “affects”

- Where a matter arises at a meeting which **affects** your own financial interest or well-being or a financial interest or well-being of a relative or close associate or of a body included in your list of “Other Registerable Interests”
- Disclose it, but you can remain in the meeting, participate and vote unless...

Non-registerable interests (NRIs)

“The test”

- ...the matter affects the financial interest or well-being
- (a) to a greater extent than it affects the financial interests or well-being of a majority of inhabitants of the affected ward and
 - (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

Non-registerable interests (NRIs)

The consequences...

- If so, 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 a dispensation

Examples from the guidance

- Awarding grant funding to a competitor to a community hall, where you are on the membership committee
- Application for housing development on land near to partner's business property
- Your neighbour applies for planning permission
- These examples **affect** the finances or well-being of an ORI or a relative/close associate ...

Examples (cont)

- So apply the test –
 - Does it affect the finances or well-being more than the finances or well-being of the majority of inhabitants of the ward and
 - Would a reasonable member of the public knowing all the facts believe that it would affect your view of the wider public interest?
- If so, these are interests you should disclose, not participate in the discussion, not vote and withdraw (unless you have a dispensation or the public can address the meeting)

Applying the test - what do you think?

- A major development proposal affects the ward where your sister lives. She lives at the other end of the ward rather than next door to the development.
- You help to run a food bank and the council is considering a motion to investigate the causes of poverty in the area.

Applying the test (2)

- You are over 65 and are taking part in a discussion about provision for older people. You would be more affected than the majority by the outcome of the discussion.
- You are discussing closure of the local authority run care home where your father lives.

Examples from the guidance – well-being

- Road works noise outside your house
- Odours from nearby tip
- Anti-social behaviour from rough sleepers housed in B+B's nearby
- These are not financial issues but could affect your well-being/quality of life, so apply the test

Sensitive interests

- An interest which, if disclosed, could lead to the councillor, or a person connected with her/him, being subject to violence or intimidation
- Where you have a sensitive interest you must notify the Monitoring Officer with reasons and, if the MO agrees, they will withhold the interest from the public register

Sensitive interests (2)

- When a sensitive interest arises at a meeting, you have to disclose that you have an interest, but not the nature of it

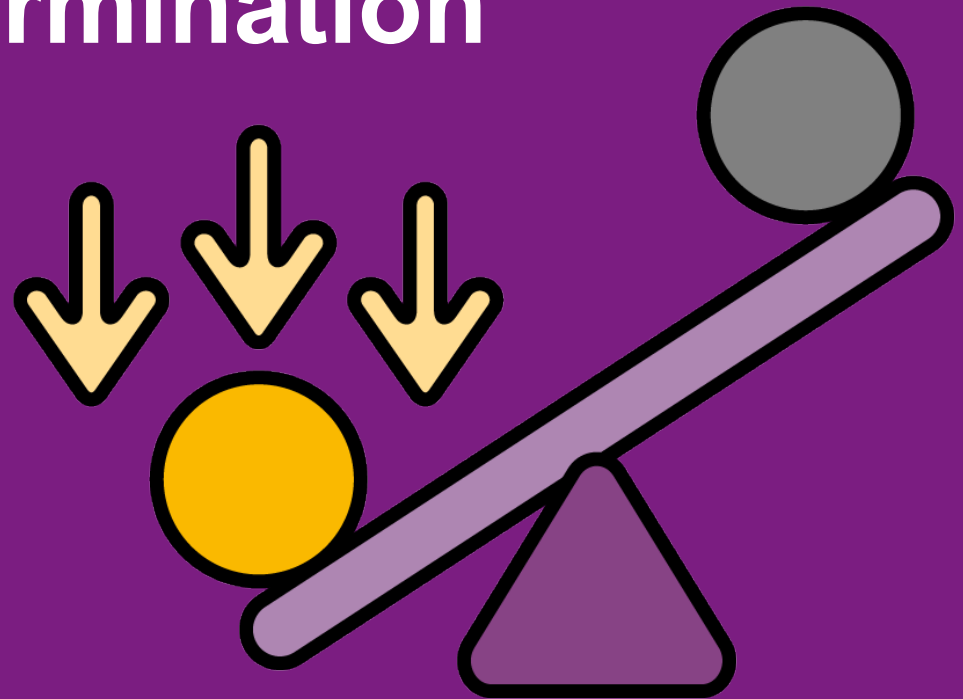
Dispensations

- The Localism Act sets out circumstances in which the council can grant a dispensation, so allowing a councillor to vote and/or speak in a meeting where they would otherwise have had to disclose an interest and withdraw.
- Standing dispensations

Summary of interests



Bias and predetermination



Bias and predetermination (1)

- Not explicitly covered in the code of conduct
- But they are important legal concepts to ensure that decisions are taken solely in the public interest and not to further any private interests

Bias and predetermination (2)

- Bias – where a decision maker’s connections make it appear that there is a real danger of bias when s/he makes the decision
- Pre-determination – where a decision maker has completely made up his/her mind before the decision is taken.

Bias and predetermination (3)

- The risk in both cases is that the decision maker does not approach the decision with an objective, open mind
- This makes the local authority's decision challengeable (and may also be a breach of the code of conduct by the councillor)

Section 25 Localism Act 2011

- An elected or co-opted member is not to be taken to have had, or to appear to have had a closed mind when making a decision just because the decision-maker had previously done anything that directly or indirectly indicated what view the decision maker took or would or might take in relation to a matter and the matter was relevant to the decision

Example from the guidance (1)

- A councillor said publicly that he was “inclined to go along with” a barrister’s recommendation in relation to a TVG application. He then voted on the decision making committee. Probably predisposition and not predetermination.

Example from the guidance (2)

- A district councillor also belongs to a parish council that has complained about the conduct of an officer of the district council. The officer has been disciplined. The officer has appealed to a councillor panel and the councillor seeks to sit on the panel hearing the appeal
- The councillor should not participate

Roles and process for dealing with code of conduct complaints

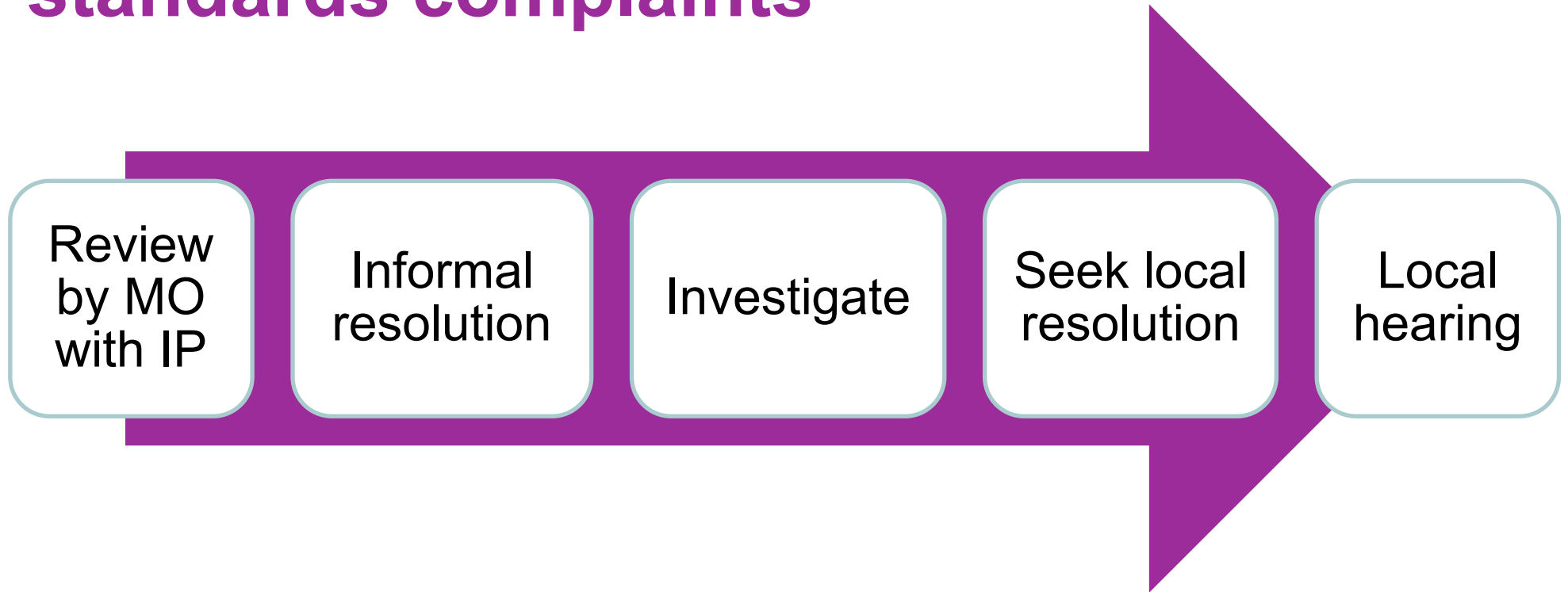


Role of the Monitoring Officer re: standards

- Maintaining the registers of interests
- Ensuring the investigation of complaints
- Supporting councillors and complainants

- Seek early advice from the Monitoring Officer on any issues re standards/interests

Usual arrangements for dealing with standards complaints



Mini scenarios



Weatherfield Council

Weatherfield Council has recently changed hands. At the first Council meeting the Mayor, Councillor Ken Barlow, loses control of the proceedings. Councillors start shouting over each other and ignoring rulings from the Mayor. They are strongly critical of the politics and policies of the opposing groups and make disparaging remarks about members and senior officers. The press describe the meeting as “shambolic”.

Councillor Sally Webster

The new Leader of the council, Councillor Sally Webster, calls the Chief Executive into her office and says that things must change. She tells him she is determined to sort out “all the deep-seated problems” she has inherited. In her Leader’s Blog, she posts that her party is going to sort out all the “dead wood” at the Council. The former Council Leader, Councillor Roy Cropper, responds robustly on social media calling Councillor Webster a “stupid woman”.

Councillor Leanne Battersby

Councillor Battersby keeps two twitter accounts – a personal one (LeaB) and one in the name of Councillor Leanne Battersby. She posts the following on her personal account:

“I was outraged at the planning committee last week. I voted against the dreadful application for the windfarm but was outvoted by idiotic opposition members who swallowed the unprofessional report written by officers who are in the pocket of the developer. These are my personal views”.

Councillor Ken Barlow

Councillor Barlow is the Mayor, and his family are major landowners in the area. He votes at the Planning Committee in support of an application for development on land which he realises, after the meeting, borders land owned by his wife. The grant of planning permission arguably adds value to her land. Councillor Barlow realises that he had completely overlooked his wife's ownership (which he was aware of) and it is not included in his register of interests. He apologises profusely.

Councillor Mike Baldwin

Councillor Baldwin is passionately in favour of an application which is coming to the Planning Committee. He thinks that it will bring jobs to the area and provide homes for local people. He says that his son and daughter-in-law cannot afford to buy a property in the town and this development may help them. He is also a member of 'Local Homes for Local People' a campaigning group trying to bring affordable housing into the area.

Conclusions and close



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

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 behaviors 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 designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority 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 subcommittee 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 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.

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](#), 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 give the impression to a reasonable 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.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your 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 local authority's councillor-officer protocol.

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, the local authority.

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, 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 the local authority 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 local authority 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/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority 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.

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

- a. act in accordance with the local authority'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.

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 local authority'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 my local authority.

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 local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

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.

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

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

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.

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 a Cabinet 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 wellbeing 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 wellbeing 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 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.

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 a Cabinet 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]

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
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	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.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>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>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<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>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(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.</p>
Securities	<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</p>

APPENDIX 1

	councillor is living as if they were
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	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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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

You must register as an Other Registerable Interest :

a) any unpaid directorships

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 c) any body

(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)

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:

APPENDIX 1

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.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.