



Rutland  
County Council



# ETHICAL STANDARDS FOR PARISH COUNCILS





# INTRODUCTIONS

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## Areas for discussion tonight

- Framework for Councillor Conduct
  - Code of Conduct
  - Register of Interests
  - Dispensations
  - Managing Complaints



## Framework for Councillor Conduct

- Current framework introduced by the Localism Act 2011 and came into effect 1st July 2012
- Replaces the statutory framework in the Local Government Act 2000 which established Standards Board for England.
- A Parish Council's must have a code of conduct in place which:
  - is consistent with selflessness; integrity; objectivity; accountability; openness; honesty and leadership and
  - includes provisions which a Parish Council considers is appropriate for the registration and disclosure of pecuniary interests and non pecuniary interests.



## Code of Conduct

A Parish Council's Code of Conduct should ideally:

- be clear;
- easy to understand;
- include councillors' obligations about conduct which is not related to interests:
- confirm councillors' statutory obligations relating registration and disclosure of Disclosable Pecuniary Interests (DPI's);
- set out councillors' obligations about registration and disclosure of interests which are **not** DPIs (local decision); and
- include arrangements for dispensation applications (i.e. written, and submitted to the PC's proper officer) and
- list the grounds for grant of dispensations.



## Register of Interests

- All members are required to complete a Register of Interests. You should complete it;
  - Within 28 days of election;
  - If there are any changes during your time in office.
- What should you disclose in the Register of Interests?
  - Disclosable pecuniary interests "DPI's" and any other personal interests.
- What are the sanctions for not disclosing?
  - Failing to adhere to the disclosure requirements as described are a criminal offence. The criminal penalties available to a court are to impose a fine and disqualification from being a councillor for up to five years.



## What is a Disclosable Pecuniary Interest?

- Covers the interests of yourself, your spouse, civil partner or person with whom you live as if you were spouses or civil partners in relation to;
- **Employment, office, trade, profession or vocation**  
Remuneration other than expenses
- **Sponsorship**  
Payment or provision of any financial benefit (other than from the relevant authority) made or provided in respect of any expenses incurred in carrying out duties as a member or towards election expenses. This includes any payment or financial benefit from a trade union.
- **Contracts**  
Any contract made between yourself or your spouse/partner or a body in which either of you have a beneficial interest and the Parish/Town Council (or an organisation contracted to carry out business on the Parish/Towns behalf):-
  - (a) under which goods or services are to be provided or works are to be executed;
  - and
  - (b) which has not been fully discharged.



# What is a Disclosable Pecuniary Interest?

- **Land**

Any beneficial interest in land which is within the area of the relevant authority. If you live in the Parish/Town you should include your home whether as owner, lessee or tenant, mortgagee or trustee.

- **Licenses**

Land in the Parish/Town which you or your spouse/partner have a right to occupy, but neither own nor have tenancy of. Land includes buildings/part buildings.

- **Corporate Tenancies**

Any tenancy where (to your knowledge) –

(a) The landlord is the Parish/Town Council; and

(b) The tenant is a body in which the relevant person has a beneficial interest.

- **Securities**

Any companies, industrial and provident societies, co-operative societies, or other bodies corporate that (to your knowledge) has land/place of business in the Parish/Town and in which you or your spouse/partner have a substantial interest.

You have a substantial interest if you own shares or other securities in the company with a nominal value of more than £25,000 or more than 1/100th of the issued share or securities.



## Dispensations

- What is a dispensation?
  - A dispensation allows you to participate and vote on a matter in which you have a DPI.
- When can you request a dispensation?
  - That so many members of the decision making body have a DPI that it would impede the transaction of the business
  - Political Balance
  - In the interests of persons residing within the District
  - Otherwise appropriate



## Conduct Complaints

- Who will deal with a complaint against a Councillor?
  - The Monitoring Officer at the County Council

### What is the process for dealing with those complaints?

- The Monitoring Officer will make an initial assessment of the complaint (she will consult the Council's independent person if the complaint is not sifted out)
- The Monitoring Officer will decide either to;
  - Take no further action
  - Informal resolution
  - Further fact finding – the results of which may be presented to the Conduct Committee for them to determine next steps
- Parish councillor whose conduct is being investigated may consult the independent person.



## Conduct Complaints - Sanctions

If a Parish Councillor is found to have breached the code, the Monitoring Officer or Committee can make recommendations to the parish council about sanctions:

- Issue a formal letter to the member found to have breached the code
- Impose formal censure;
- Make recommendations to the full Council to remove the member from committee(s) and other appointments;
- A press release and other appropriate publicity
- Recommend training.

There are no longer any powers that enable a councillor to be suspended or disqualified



## Association Membership & Support

- Leicestershire & Rutland Association of Local Councils (LRALC)

Jake Atkinson (Chief Officer)

Jubilee Hall, Staddon Road

Anstey

Leicester

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0116 235 3800



## How Parish Clerks can assist with compliance

- Be knowledgeable about legislation and your statutory obligations: Be a good advisor. The clerk is the 'engine' of the Council and should protect the Council from challenge.
- Ensure your Council operates 'good governance'– does the Council have the legal power to act? Do you have good administrative processes in place? Complaints & Whistle Blowing processes?
- Be aware of the Nolan principles and the Code of Conduct – set the tone, including behaviour at meetings.
- Ensure transparency is the order of the day – maintain public trust.
- Encourage good team work and good communication, including engagement with local residents.
- Share good practice; research what works well. Professional support.



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**Any questions?**

