

REVISING RUSHCLIFFE'S CODE OF CONDUCT AND TRAINING AND DEVELOPMENT

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The Code

Localism Act 2011 abolished Standards Board for England and the model code of conduct. It also aimed to streamline the process for dealing with complaints

The Act requires that **‘relevant authorities’**:

- Must promote and maintain high standards of conduct – Section 27 (1)
- Adopt a code dealing with the conduct expected of Councillors (when acting as Councillors) – Section 27 (2)
- The Borough Council and Parish Councils are “relevant authorities” – Section 27(6) (b) and (d)

Code Principles

- Codes adopted must be **consistent** with the 7 Nolan principles of standards in public life:
 - **Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership**
 - **But can contain specific requirements within those principles**

Councils given freedom to determine their Code, most in Rushcliffe follow RBC's model

- The Code must also include provisions “the authority considers appropriate “ for registering pecuniary and “interests other than pecuniary interests ”
- Details of pecuniary interests are set out in Regulations

Key Points

- All Parishes have been operating their own Code for a while
- Borough Council has a minimalist Code (NB Constitution is under review, **including the Code**)
- Parish Councils can use the same Code or agree their own
- It is for the Parish Council to set the standards it expects and set them out clearly in their Code
- **Areas for potential change for RBC code include:**
 - - inclusion of “interests other than pecuniary interests”
 - - specific provisions on conduct
 - - inclusion of gifts and hospitality protocol

DPIs - Key elements (1)

- The Localism Act and regulations require registration of a pecuniary interest if it:
 - Is the Member's interest, or
 - Is the interest of their spouse or civil partner, a person they are living with as husband or wife, or a person they are living with as spouse or civil partner
 - And the Member is aware that that other person has the interest
- DCLG state that this gives an assurance that members are not putting their own interests ahead of those of the public
- Categories of DPI are set out in the regulations

DPIs - Key elements (2)

- If a member has a disclosable pecuniary interest in a matter to be, or being considered at the meeting they may **not**:
 - Participate in any discussion of the matter at the meeting, or
 - Participate in any vote taken on the matter at the meeting
- Failure to comply with DPI requirements may involve criminal offences

DPIs – Some Issues

- Is it about the subject of the interest only (eg councillor house/land – not neighbours?)?
- Government guidance – “relating to” – has this changed anything, or clarified anything?
- Dominant expert view – takes a narrow view of how far ‘off-site’ a DPI can go
- Would be simpler with a clear set of ‘ interests other than pecuniary interests ’ provisions

“Interests other than pecuniary interests”

- Law and guidance is not clear – but local discretion
- Rushcliffe and many parish codes are not specific
- Scope for change as current position gives an undue focus on DPIs?
- e.g. - Gedling/Nottingham formula – similar to old personal and prejudicial test
- Can also effectively cover non-family interests which were similar to DPIs

Behaviour

- Nolan principles
- ‘You must promote and support high standards of conduct’
- **Do Codes need more direct content on this?**
- e.g. bullying and intimidation,
- e.g. failure to act within powers or comply with S.O.s/financial regulations,
- e.g. consider advice,
- e.g. acceptance of inappropriate gifts and hospitality

Some Experience of Town/Parish Issues

- Issues are so much more local – issues with DPs and “interests other than pecuniary interests”
- Disputes are personalised and often based on behaviour
- Poor relationships can lead to dysfunctionality
- Officer base is lean and potentially isolated
- Can Code changes help provide better support (e.g. bullying and intimidation)?

Neighbourhood Plans

- Raises extreme sensitivities at parish level
- Advice is sparse but the balance favours a narrow view on DPis
- Remember the wider context and democratic safeguards in NP processes
- Dispensations – consider them, they may avoid criminality but are not a passport through the Code

GROUP WORK – the Code of Conduct

- Do you support revisions to the Code
- What should “ interests other than pecuniary interests ” cover –was the old “ Personal and Prejudicial ” formula better?
- Should there be more specifics about behaviour? If so, what? (cf Slides 8 and 9)

GROUP WORK –Training and Development

- Separate into clerks' and councillors'/chairs' group tables
- Exercise 1 – identify your 5 key concerns in performing your roles – “ technical ” and personal
- Exercise 2 – identify your 5 top priorities for Training and Development
- Exercise 3 – identify your top 5 Qs for FAQs