

The Ethical Framework

Standards Committee

September 2015

Ethical Standards – New Regime

Duty to promote high standards

- Training
- Developing relationships with town and parish clerks
- Communicating and raising awareness of the code
- Promoting importance of high standards

Ethical Standards – New Regime

Standards Committee

- Committee of the Council
- Advised by the MO
- Responsibilities for standards but also:
 - Constitutional review
 - RIPA operations

Ethical Standards – New Regime

Code of Conduct

- Two parts:
 - General conduct ie Nolan Principles
 - Registration and disclosure of interests
- Applies to a member acting in official capacity

Ethical Standards – New Regime

Interests

- Three types of interest:
 - DPIs (disclosable pecuniary interests)
 - Other interests
 - Sensitive interests
- Notify MO within 28 days of taking office or being re-elected

Ethical Standards – New Regime

Interests

- No duty to keep updated
- If in register does not need to be declared at a meeting
- Must be published on website

Ethical Standards – New Regime

DPIs

- Prescribed by law
- Failure to register or declare is a criminal offence
- Must not take steps in relation to a decision
- Relates to your or your partner's financial interests
- If you declare a new interest not on register, tell us

Ethical Standards – New Regime

Dispensations

- So many members have DPI it would impede transaction of the business
- The representation of different political groups would be so upset as to alter the likely outcome of any vote
- No member of Cabinet would be able to participate in the matter

Ethical Standards – New Regime

Dispensations

- It is in the interests of the inhabitants of the area
- It is otherwise appropriate
- Parishes responsible for granting own dispensations
- Only relate to DPIs

Ethical Standards – New Regime

Other interests

- Adopted by the authority
- Failure to comply = breach of the code, not criminal

Ethical Standards – New Regime

Other interests

- Types of other interest

1 – Positions of general control or management that you have been appointed to by the authority

2- Public bodies

3- Affects your well-being or financial interests or a relevant person more than majority of taxpayers, ratepayers or inhabitants in the area

4 - Relates to your DPIs

Ethical Standards – New Regime

Significant other interest

- A member of the public with knowledge of the relevant facts would reasonably regard your interest as so significant that it was likely to prejudice your judgement of the public interest AND
- It relates to your financial interests or those of a relevant person or relates to a regulatory matter
- Leave the room, but can make representations if public have same rights
- Exceptions

Ethical Standards – New Regime

Complaints

- Must have arrangements in place
- BDC responsible for parish and town councils but can only make recommendations to them
- Reduced bureaucracy
- MO can decide on whether or not to investigate, following consultation with Independent Persons
- Regular reports to Standards Committee

Ethical Standards – New Regime

Complaints

- Hearings undertaken by Sub-Committee
- IP must be consulted before a decision is taken and prior to sanction being determined
- Appeals via Judicial Review or Ombudsman

Ethical Standards – New Regime

Sanctions

- No statutory sanctions – power of self-regulation
- Censure by Council
- Training
- Removal from outside appointments, committees
- Cannot do anything to prevent councillor performing duties as a democratically elected representative

Ethical Standards – New Regime

Independent Person

- Must be consulted by authority before it makes a decision
- May be consulted by authority at any other time
- May be consulted by member subject of the complaint

Thanks for Listening

Any Questions?