

Standards Training

Promote and Maintain High
Standards of Conduct

Livingstone –v- Adjudication Panel for England [2006]

- Members official capacity in England means:-
- Conducting the business of the authority;
- Acting, claiming to act or giving the impression that a member is acting as a representative of their authority.

Code of Conduct

- Must include appropriate provisions for registering and disclosing:-
- Pecuniary interests;
- Interests other than pecuniary interests

Complaints

- Requirement for an authority to have arrangements in place to:-
- Investigate complaints;
- Decisions on allegations to be made;
- Voluntary standards committee

Role of Independent Persons

- LA must appoint at least one IP;
- LP's views to be sought, and taken into account before it makes its decision on an allegation that it has decided to investigate

Sanctions for Breach of Code of Conduct

- Localism Act 2011 does not give LA any power to impose sanctions.
- Therefore it appears that possible sanctions may include:-
 - Formal letter to member;
 - Formal censure by motion;
 - Removal of member from committee/committees

Sanctions 2

- Adverse publicity that may (or may not) reduce the electorates confidence

Register of Members

- Establish and maintain a register of members;
- Make the register available for inspections;
- Publish the register on the council's website

Pecuniary Interests

- Within 28 days of becoming a member must disclose:-
- Employment, office, trade, profession or vocation that the member carries on for profit or gain
- Contract between the member and the members LA under which goods or services are to be provided or works are to be executed

Interests Continued

- Beneficial Interest in land within the LA area
- In these circumstances member is prohibited from participating in the discussion at the meeting, or voting on any matter to their interest or from taking any steps in relation to the issue unless a dispensation has been granted.

Two Exceptions

- Sensitive Interests
- Dispensations

Social Media

- Think before you press send!
- Blurred identities- could it be thought that you are acting as a member?
- Code of Conduct can apply so observe the same rules
- Predetermination/bias/defamation/data protection rules - all apply to social media.



Any Questions?

