



# Report to Standards and General Purposes Committee

<b>Date:</b>	10 <sup>th</sup> December 2020
<b>Title:</b>	<b>Code of Conduct training</b>
<b>Author and/or contact officer:</b>	Nick Graham, Service Director, Legal and Democratic & Electoral Services
<b>Recommendations:</b>	<b>The Standards and General Purposes Committee is asked to note the report and any feedback from members on the code of conduct training is welcomed.</b>

## **Purpose of the report**

- 1.1 In April 2020, the planned Member Induction programme following the establishment of the new Buckinghamshire Council had to be revisited in light of the Covid-19 lockdown. Officers worked quickly to organise alternative training sessions which could be delivered virtually and would enable members to undertake the various training sessions at a time that was convenient for them.
- 1.2 For the Code of Conduct training, Hoey & Associates, who would have delivered the training in person, produced a two part training video – 20 mins each, with accompanying PowerPoint slides (attached at Appendix 1) and a number of scenarios for members to consider in connection with declarations of interest and member behaviour. This training was produced specifically for Buckinghamshire Council and is available for members to access in the Members areas of The Source, the Council's intranet site - <https://internal.buckinghamshire.gov.uk/members/guidance-training/training-calendar/code-of-conduct-training-for-members/>
- 1.3 The training was made available on the members pages on 4<sup>th</sup> May. By 21<sup>st</sup> October, there had been a 95% completion rate on this particular course and the webpage with the supporting information available had been viewed on 744 occasions.
- 1.4 Democratic Services are planning for Member Induction post – May 2021 election and feedback is sought from members to help inform the content of training and the overall combination of formats for the training. Whilst in person training can be

more interactive and colleagues can also learn from each other's experiences, some members, particularly those who work, found it helpful to have the online training. Also online training materials can be revisited later enabling members to refresh their knowledge.



# The Code of Conduct

Paul Hoey

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## What we will cover

- What does the law say and why is it important?
- Buckinghamshire Council's Code - behaviours
- Registering and declaring interests

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## The law

Each council must:

- Adopt its own Code based on the 7 principles of public life (Nolan principles)
- Include mandatory interests provisions
- Make arrangements to deal with allegations with Unitary handling parish cases
- Appoint at least one Independent Person ('IP')

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## Complaint handling- the steps

- Assessing a complaint – does it need to be dealt with?
- Investigate or resolve in some other way?
- Has there been a breach of the Code?
- Refer to a hearing?
- Sanction?

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## Role of the Independent Person

### Law says

- Council must take account of views of IP on matter under investigation
- Member accused may seek views of IP

### Buckinghamshire's arrangements

- IP consulted by MO at end of investigation
- IP consulted by hearing panel before deciding

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## Principles of public life

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

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## Buckinghamshire Code – behaviours

- Provide leadership
- Respect others and not bully
- Respect that officers are employed by and serve the whole Council
- Respect confidentiality
- Don't bring the Council into disrepute
- Don't misuse your position
- Don't misuse resources
- Take decisions for good and substantive reasons

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## Supporting documents

Code is not alone:

- Planning protocol
- Protocol on member/officer relations
- IT and resources policies
- Social media protocol

etc.

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## Buckinghamshire Code – registration of interests

- Register Disclosable Pecuniary Interests (DPIs)
  - criminal offences for non-compliance
- Register personal interests

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## Buckinghamshire Code – what do I register?

- DPIs are (for you and partner):
  - Your job
  - Anybody who paid your election expenses
  - Any ongoing contracts with the Council
  - Any land/property you own or rent in area
  - Any licence for more than a month to occupy land in area
  - Any property you or a business rent from the Council
  - Any securities in companies in area above certain value

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## Buckinghamshire Code – what do I register?

- Additional local categories (just you):
  - Any body to which you are appointed by the Council
  - Any other body exercising functions of a public nature you're on (e.g. parish council, fire authority)
  - Any body directed to charitable purposes
  - Any body designed to influence public opinion (e.g. political party, trade union)
  - Anyone who's given you a gift or hospitality above £25 (in your role as councillor)

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## Buckinghamshire Code – declaration of DPIs

- Where you have a DPI you:
  - **must not** be involved in the discussion or decision-making (criminal offence)
  - **must** withdraw from the room while the matter is being debated
- You can apply to the Monitoring Officer for a dispensation to take part where you have a DPI. (Dispensations may only be granted in circumstances set out in the Localism Act 2011).

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## Buckinghamshire Code – other interests

- **Personal interests** are something which relate to or are likely to affect:
  - Any outside bodies you are a member of
  - Any person or body who employs or has appointed you
  - Any person or body who has given you a gift or hospitality above £25
  - The interests of you or a relevant person more than it affects the majority
- You need to register membership of outside bodies
- You need to declare them at the relevant meeting

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## Buckinghamshire Code – other interests

- Where you have a personal interest you also have a **prejudicial interest** if a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it is likely to prejudice your judgement of the public interest.

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## Buckinghamshire Code – other interests

- You also have a **prejudicial interest** in any business before a Select Committee of the Council where—
  - that business relates to a decision made or action taken by the Cabinet or another of the Council’s committees, subcommittees, joint committees or joint sub-committees; and
  - at the time the decision was made or action was taken, you were a member of the Cabinet, committee, sub-committee, joint committee or joint subcommittee and you were present when that decision was made or action was taken

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## Buckinghamshire Code – other interests

- Where you have a prejudicial interest –
  - you must declare the interest and withdraw from the meeting
  - you must not exercise executive functions in relation to that business
  - you must not seek improperly to influence a decision about that business
- Where you have a prejudicial interest you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose

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## Predetermination and bias

- Underlying general principle:
  - taking public decisions means taking decisions in the public interest
  - must listen to all sides of the argument
  - must be willing to change your mind
  - must take decisions for proper reasons
- Not a gag on campaigning but a reminder of need for fairness

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## Thank you

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