



Report to Standards and General Purposes Committee

Date: 25 February 2021

Reference number: TBC

Title: Model of Code of Conduct

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Ward(s) affected: none specific

Recommendations: The committee is asked to resolve that:-

- 1. The Model Code of Conduct with agreed amendments be recommended to Full Council for adoption**
- 2. The Code of Conduct is reviewed in a year's time**
- 3. That Full Council is recommended to give delegated power to the Monitoring Officer to make any updates to the Arrangements for Dealing with Complaints Against Councillors as are necessary in view of the Code of Conduct which is adopted.**
- 4. That the Monitoring Officer has delegated powers to update the Guidance on Dealing with Complaints Against Councillors as are necessary in view of the Code of Conduct which is adopted by Full Council.**

Reason for decision: To update the Code of Conduct in line with best practice recommendations and to help with consistency across all levels of local government within the Buckinghamshire Council area.

Background

- 1.1** When Councillors are elected to office they undertake to abide by the highest standards of ethical conduct. In addition to abiding by a Code of Conduct, Councillors should familiarise themselves with the Member / Officer Protocol set out in the Buckinghamshire Council Constitution and The Role of Elected Members in

Safeguarding Children and Vulnerable Adults. These provide specific guidance on how Councillors should conduct themselves.

- 1.2 On 23 December 2020, the Local Government Association (LGA) published a model Councillor Code of Conduct (the Model Code) with an updated version 2 on 19 January 2021. A copy of version 2 of the Model Code is attached as Appendix A. The LGA described the Model Code as 'designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government'.
- 1.3 The development of the Model Code was undertaken by the LGA 'in association with key partners and after extensive consultation with the sector'. The Council's response to consultation is attached as Appendix B.
- 1.4 The Localism Act 2011 requires all Councils to have a local Councillor Code of Conduct and the Model Code has been developed for use by councils as a template to adopt in whole or with local amendments should they wish to. This Committee has oversight of the Council's ethical framework including the Councillor Code of Conduct and it is your role to determine whether to recommend the Model Code, amended or otherwise, to Full Council for inclusion in the Council's Constitution.
- 1.5 While the Council administers code of conduct complaints on behalf of parish and town councils in the area, the adoption of a Code is a matter for each council although it is understood that the Buckinghamshire and Milton Keynes Association of Local Councils will be recommending the adoption of the Model Code with only minor amendments to reflect local issues where appropriate.
- 1.6 Buckinghamshire Council's current Code of Conduct was adopted in February 2020 with a review to take place after a year. The Constitution includes arrangements for dealing with complaints under the Code of Conduct and the Guidance associated with the arrangements incorporates the recommendations of the Committee for Standards in Public Life (CSPL) as set out in its January 2019 Report on Local Government Ethical Standards. The CSPL report also recommended the adoption of a Code of Conduct in the form of a Model Code to be published.
- 1.7 The publication of the Model Code has co-incided with the timings of the review into the Council's Code of Conduct and this report presents the Model Code (Appendix A), compares it to the Council's current Code of Conduct (at Appendices C and D) and raises specific issues to consider in relation to suggested amendments and asks for any further matters to consider.

Content of report

- 1.8 When researching the local Codes of Conduct, the CPSL found there was considerable variation in the length, quality and clarity of codes of conduct. They believed that this created confusion among members of the public, and among councillors who represent more than one tier of local government. This is an issue for Ward councillors of Buckinghamshire Council as many are also parish councillors and sit on combined authorities such as Buckinghamshire & Milton Keynes Fire Authority.
 - 1.9 The LGA's Model Code is based on the CSPL best practice recommendations and the expectation is that all councils should adopt it as a minimum, but with provision of additional local variations.
 - 1.10 Discussions with Monitoring Officers from neighbouring authorities indicate a collective leaning towards adoption of the Model Code albeit with local variations. All intend to take the Model Code to their Standards Committees.
 - 1.11 Appendix C of the Model Code lists the 15 Best practice recommendations and notes that the Government is yet to respond to the recommendations made by CPSL, some of which require legislative changes. It should be noted that the Government's response, when it comes, may require a change to the Council's adopted Code.
 - 1.12 One of the CPSL's best practice recommendations is that principal authorities should review their Code of Conduct annually and regularly seek, where possible the views of the public, community organisations and neighbouring authorities. The Committee has previously supported this recommendation in relation to the general review of the Council's Code on the basis that the date of publication of the Model Code was not then known. However as the LGA has recently conducted wide-reaching consultation in respect of the Model Code, it is not recommended that consultation is required should the decision be to the recommendation to Full Council to adopt the Model Code.
 - 1.13 It is suggested that the Council contacts all Town and Parish Councils alerting them to the consideration of this report by the Standards and General Purposes Committee. It is recommended that future annual reviews should seek views as per the Best Practice Recommendation.
 - 1.14 The Service Director Legal and Democratic Services has already been in contact with the Buckinghamshire and Milton Keynes Association of Local Councils who are in contact with their members regarding the Model Code. They will be recommending the Model Code is adopted by Town and Parish Councils and whilst they may still make their own amendments, as the obligations are likely to be very similar this will still promote an understanding of the expectations for conduct amongst all councillors.
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Alerting all Town and Parish Council's to the consideration of this report will allow them to consider whether and how far to align any amendments they may wish to make with those to be recommended to full Council (if any).

The Model Code in summary and comparison with the Council's Code

1.15 A comparison of the main terms of the Council's Code and the Model Code are detailed in Appendix D.

1.16 In summary the Model Code:

- Continues to require upholding the seven principles of public life (the Nolan Principles) and translates these to general principles of conduct
- Contains 10 general obligations (broken down into 21 specific obligations) with guidance and explanation
- Sets out legal requirements
- Defines a councillor as a member or co-opted member of a local authority
- Sets out when the Code applies and in addition to 'acting in capacity as a councillor or representative of the Council', includes when actions 'would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor'
- Introduces:
 - Concept of acting with civility
 - The word 'harassment' and a definition of bullying and harassment
 - Under the Obligation to comply with the Code of Conduct: to undertake Code of Conduct training, co-operate with any investigation or determination, not to intimidate persons administering or investigating a complaint and to comply with any sanctions
- Includes reference to social media
- Requires employees of the Council, partners and volunteers for the local authority to be treated with respect
- Requires registration of gifts and hospitality with a value of £50 and over
- Maintains the concept of 'bringing the council into disrepute'

- Codifies the position on declaration and participation in relation to personal interests

Specific issues for consideration

- 1.17 There are several points to bring to the attention of the Committee for its consideration of whether local variations to the Model Code are appropriate.

Scope and Social Media

- 1.18 The Model Code applies whenever a member is acting in their capacity as a councillor or the actions would give the impression to a reasonable member of the public, with knowledge of all the facts that this is the case. The application of the Model Code to all forms of communication and interaction is set out and this includes social media.
- 1.19 It is considered that the Model Code would apply in the same circumstances and situations as the Council's Code and provides a clear, objective and reasonable test of applicability on a case by case basis.
- 1.20 The Model Code does not, however, cover the situation when acting as a representative of the Council on another authority or body and there is another Code of Conduct applicable (this is in paragraph 2.4 of the Council's Code). The Committee may wish to amend the Model Code to make this clear.

Obligations

- 1.21 Although set out differently the general principles and general obligations are comparable with those in the Council's Code. Whilst it does not contain the detail in paragraph 2.7 h of the Council's Code relating to exercising independent judgement and taking decisions for good and substantial reasons it does have a general obligation to impartially exercise responsibilities in the interests of the local community.

Gifts and Hospitality Threshold

- 1.22 The monetary threshold of £50 and over for registration of gifts and hospitality in the Model Code is more than the £25 threshold in the Council's current Code. To assist the Committee in determining the threshold:
- The LGA reports that over 7 in 10 respondents (72%) supported £25 as the threshold for registering gifts and hospitality. 9% of respondents thought that the threshold should be lower than £25 while 16% felt that it should be higher.
 - Neighbouring authorities limits (currently) range between £25 (Central Bedfordshire Council) and £100 (Milton Keynes Council).

Co-opted members

- 1.23 Both Codes apply to elected members and co-opted members of the Council. The definition of a co-opted member is a statutory one found in s27(4) Localism Act 2011 and is set out in the Model Code. The statutory definition includes only those members entitled to vote at Council Committees and therefore does not include members of Council Committees that are not entitled to vote.
- 1.24 The Committee may want to consider whether the Code should extend to co-opted members who do not have voting rights. It is expected this would mainly apply to representatives of other organisations on Committee's who may however be subject to their own Codes of Conduct or conduct requirements which are likely to be comparable. If any amendments are considered as suggested in paragraph 1.16 above the inclusion of these can clarify the position.

Dealing with disrespect

- 1.25 Under the obligation of respect, the Model Code advises councillors to 'report' members of the public who are abusive, intimidatory or threatening to the local authority. Given the jurisdiction of the local authority and the police for example, consideration can be given to whether the word 'report' is amended to 'seek guidance from'

Personal Interests and Participation

- 1.26 The Model Code includes the Disclosable Pecuniary Interests (DPI) as set out in Regulations and which are the same as detailed in the Council's Code. Members with a DPI are required to leave the room during the whole of the consideration of the item in which they have such an interest except where a dispensation has been granted.
- 1.27 In relation to other interests a comparison of the requirements is set out in Appendix D which show that the provisions are broadly comparable, however the Council's Code includes definitions and is slightly more detailed, the advantage of which is clarity but the disadvantage is it is prescriptive.
- 1.28 It is considered that the provisions in the Model Code relating to interests may be confusing in practice: as well as DPI's it refers to other interests and non-registerable interests but does not give much detail.
- 1.29 The Committee may wish to extend the provisions of the Model Code in this respect.
- 1.30 In addition, the Model Code also sets out that members are not to participate or vote on any business in which they have a personal interest except where a dispensation

has been granted. This is a departure from the Council's Code and that of many other authorities which usually allow both participation and voting for a personal interest which is not prejudicial.

- 1.31 The advantage of not allowing any participation with an interest is that it takes away any confusion over the type of interest for the member and a dispensation can be requested where a member still wishes to take part with greater transparency.
- 1.32 The other side of this is that dispensations for DPI's can only be granted in defined circumstances which may need to be extended in respect of personal interests. If this was done it would result in differing rules in any event (so a determination on the type of interest is still required), an increased number of requests for dispensations and move the onus of deciding the appropriate participation in the case of personal as well as pecuniary interests to the Monitoring Officer.
- 1.33 The Committee may therefore also wish to consider whether participation needs to be amended or extended.

Guidance

- 1.34 The current Arrangements for dealing with complaints and the associated Guidance may require updating if the Model Code is adopted (with or without amendments). It is suggested that this can be most easily done under a specific delegated power once the final Code is determined.

Summary

- 1.35 The following are areas which the Committee may wish to consider further and/or amend within the Model Code:
 - Clarifying applicability where a representative may be subject to two different Codes of Conduct
 - Application of the Code to non-voting co-opted members
 - Inclusion of an obligation to exercise independent judgment and taking decisions for good and substantial reason
 - Considering the threshold for registration of gifts and hospitality
 - Changing 'reporting' abusive members of the public to 'seeking guidance'
 - The level of detail required for the definition of personal interests
 - The level of participation allowed with a personal interest

Other options considered

1.36 There are a number of choices open to the Committee:

(a) Recommend no change to the current Code of Conduct, resolve to continue with the existing Code of Conduct and ask for a report to come to a later meeting of the Committee

(b) Recommend to Full Council the adoption of the Model Code with or without potential amendments;

(c) Identify issues and ask for a report to come to a later meeting of the Committee that addresses those issues

(d) Resolve to await the outcome of the Government consideration of the Committee for Standards in Public Life recommendations, and in the meantime invite parish and town councils, community organisations, neighbouring authorities and other interested parties, individuals and stakeholders for comments on both the Council's existing Code of Conduct and the Model Code

Legal and financial implications

1.37 None except as set out in the body of the report. It should however be noted that until such time as the Council agree to adopt a new or revised Code of Conduct the existing version together with the Guidance will continue to meet the Council's statutory requirements and best practice recommendations.

Corporate implications

1.38 The effectiveness of the Councils standards arrangements is necessary for good governance and contributes to the effectiveness of the Members, the Council and helps ensure proper and legal decision-making.

Consultation and communication

1.39 As detailed in the body of the report.

Next steps and review

If adopted, the Arrangements and Guidance may need updating and further guidance and communication with members is to be undertaken.

Appendices

Annex A	LGA Model Code of Conduct
Annex B	Buckinghamshire Council Response to LGA consultation on the Model Code of Conduct
Annex C	Buckinghamshire Council Code of Conduct
Annex D	Comparison of main terms of the Council's Code and the Model Code

Background papers

LGA Model Member Code of Conduct: Consultation response analysis, November 2020

<https://www.local.gov.uk/lga-model-member-code-conduct-consultation-response-analysis-november-2020#methodology->

Your questions and views (for key decisions)

If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01296 382343 or email democracy@buckinghamshire.gov.uk



Appendix A

LGA Model Code of Conduct



Appendix B

Buckinghamshire Council Response to LGA consultation on the Model Code of Conduct



Appendix C

Buckinghamshire Council Code of Conduct for Councillors



2. Code of Conduct for Councillors

Part 1 – General Provisions

Introduction

- 2.1. The Council has adopted this Code of Conduct pursuant to section 27 of the Localism Act 2011 (the Act) to promote and maintain high standards of behaviour by its councillors by its members and co-opted members whenever they conduct the business of the Council including the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.
- 2.2. This Code of Conduct complies with Section 28 of the Act and is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Scope

- 2.3. This Code of Conduct applies to you whenever you are acting in your capacity as a councillor of Buckinghamshire Council, including: –
 - a. at formal meetings of the Council, its Committees and Sub-Committees, its Cabinet and Panels;
 - b. when acting as a representative of the Council;
 - c. in taking any decision as a Cabinet Member or a Ward Councillor;
 - d. in discharging your functions as a Ward Councillor;
 - e. at briefing meetings with officers;
 - f. at site visits; and
 - g. when corresponding with the authority other than in a private capacity.
- 2.4. Where you act as a representative of the Council:-
 - a. on another authority, you must when acting for that authority, comply with that other authority's code of conduct; or
 - b. on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 2.5. Where you are acting as a co-opted member of a Council Committee or Sub-Committee or Board or Panel of the Council.

- 2.6. When using social media or the internet and/or in relation to your online presence if you refer in any way to your role as a councillor or co-opted member or could reasonably be perceived as acting in any of the above capacities when doing so.

General Obligations

2.7. You must:

- a. provide leadership to the Council and communities within its area, by personal example;
- b. respect others and not bully any person;
- c. recognise that officers (other than political assistants) are employed by and serve the whole Council;
- d. respect the confidentiality of information which you receive as a councillor or co-opted member and –
 - i not disclose confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - ii not obstruct third parties' legal rights of access to information;
- e. not conduct yourself in a manner which is likely to bring the Council into disrepute;
- f. use your position as a councillor or co-opted member in the public interest and not for personal advantage;
- g. act in accordance with the Council's reasonable rules on the use of the resources of the Council for private or political purposes;
- h. exercise your own independent judgement, taking decisions for good and substantial reasons –
 - i attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups;
 - ii paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Section 151 Officer and the Monitoring Officer; and
 - iii stating the reasons for your decisions where those reasons are not otherwise apparent;
- i. account for your actions, particularly by supporting the Council's scrutiny function;
- j. ensure that the Council acts within the law.

Part 2 – Interests

Personal Interests

2.8. In addition to the statutory requirements under the Act in relation to Disclosable Pecuniary Interest's (DPI's) and as set out in Paragraph 2.22 and Appendix A below and save for the subject interest already having been declared as a DPI and the statutory provisions complied with, the following Paragraphs 2.9 to 2.21 shall also apply.

2.9. You have a personal interest in any business of the Council where either-

- a. it relates to or is likely to affect –
 - i Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
 - ii Any body –
 - Exercising functions of a public nature
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Of which you are a member or in a position of general control or management;
 - iii Any person or body who employs or has appointed you;
 - iv The interests of any person or body from whom you have received a gift or hospitality with an estimated value of at least £25;
- b. A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision.

2.10. In sub-paragraph 2.9 b. above, a relevant person is –

- a. A member of your family or any person with whom you have a close personal association; or
- b. Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- c. Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

- d. Any person or body of a type described in sub-paragraph 2.9 a.

Disclosure of Personal Interests

- 2.11. Subject to Paragraphs 2.12 to 2.15, where you have a personal interest in any business of the Council and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 2.12. Where you have a personal interest in any business of the Council which solely relates to a body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council, you need only disclose to the meeting the existence and nature of that interest if that interest is prejudicial (see Paragraphs 2.17 to 2.19).
- 2.13. Where you have a personal interest in any business of the Council of the type mentioned in Paragraph 2.9 a.iv, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 2.14. Paragraph 2.11 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 2.15. Subject to Paragraph 2.20, where you have a personal interest in any business of the Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that personal interest.
- 2.16. Having declared a personal interest you may continue to speak and vote on the item of business concerned.

Prejudicial Interest Generally

- 2.17. Subject to Paragraph 2.18, where you have a personal interest in any business of the Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 2.18. You do not have a prejudicial interest in any business of the Council where that business—
 - a. does not affect your financial position or the financial position of a person or body described in Paragraph 2.9;
 - b. does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in Paragraph 2.9; or

- c. relates to the functions of the Council in respect of—
 - i an allowance, payment or indemnity given to councillors;
 - ii any ceremonial honour given to councillors; and
 - iii setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial Interests Arising in Relation to Select Committees

2.19. You also have a prejudicial interest in any business before a Select Committee of the Council (or of a sub-committee of such a committee) where—

- a. that business relates to a decision made (whether implemented or not) or action taken by the Cabinet or another of the Council's committees, sub-committees, joint committees or joint sub-committees; and
- b. 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 sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of Prejudicial Interests on Participation

2.20. Subject to Paragraph 2.21, where you have a prejudicial interest in any business of the Council—

- a. you must declare the existence and nature of your interest and withdraw from the room or chamber where a meeting considering the business is being held—
 - i in a case where Paragraph 2.21 applies, immediately after making representations, answering questions or giving evidence;
 - ii in any other case, whenever it becomes apparent that the business is being considered at that meeting;
- b. you must not exercise executive functions in relation to that business; and
- c. you must not seek improperly to influence a decision about that business.

2.21. Where you have a prejudicial interest in any business of the Council you may attend a meeting (including a meeting of the relevant Select Committee of the Council or of a sub-committee of such a committee) 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, whether under a statutory right or otherwise.

Disclosable Pecuniary Interest

- 2.22. A Disclosable Pecuniary Interest (DPI) is as defined in ‘The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012’ (The Regulations) and the categories of interest are set out in Appendix A.
- 2.23. Councillors or co-opted members who have a Disclosable Pecuniary Interest in any item of business being considered at a meeting of the Council, its Committees, Sub-Committees, Joint Committees, Cabinet and/or Policy Advisory Groups, must leave the room or chamber including the public gallery during the whole of the consideration of that item except where a councillor or co-opted member is permitted to remain as a result of the grant of a dispensation.

Part 3 – Registration of Interests

Registration and Disclosure of Interests

- 2.24. Subject to Paragraph 2.28, you must, within 28 days of this Code of Conduct becoming applicable or your election or appointment to office register in the council’s register of members’ interests, maintained under Section 29 of the Act, details of any DPI which you or your spouse or civil partner (or person with whom you are living as spouse or civil partner) may have, together with your personal interests where they fall within a category mentioned in Paragraph 2.9 a., by providing written notification to the Council’s Monitoring Officer.
- 2.25. Failure to register or disclose any DPI in accordance with section 30(1) or 31(2), (3) or (7) of the Act, or participating in any discussion or vote in contravention of section 31(4) of the Act, or taking any steps in contravention of section 31(8) of the Act, is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a councillor for a period not exceeding 5 years.
- 2.26. Subject to Paragraph 2.28, you must, within 28 days of becoming aware of any new DPI and/or personal interest or change to any DPI and/or personal interest registered under Paragraph 2.24, register details of that new DPI and/or personal interest or change by providing written notification to the Council’s Monitoring Officer.
- 2.27. Subject to Paragraph 2.28, you are required to disclose the existence and nature of any DPI when it arises at a meeting even where already registered in the register or pending registration so the minutes can be duly noted.

Sensitive Interest

- 2.28. Where you consider that you have a sensitive interest (whether or not a DPI), and the Council’s Monitoring Officer agrees, if the interest is entered in the Council’s register, copies of the register that are made available for inspection and any published version of the register, must not include details of the interest (but may state that the councillor or co-opted member has an interest the details of which are

withheld under section 32 (2) of the Act) and any public declaration required need only state the fact an interest arises without further detail.

- 2.29. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under Paragraph 2.28 is no longer a sensitive interest, notify the Council's Monitoring Officer asking that the interest be included in the Council's register of members' interests.
- 2.30. In this Code, "sensitive interest" means an interest, the nature of which is such that you and the Council's Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.

Dispensations

- 2.31. On a written request made to the Council's Monitoring Officer, the Council may grant a dispensation for you to participate in a discussion and vote on a matter at a meeting even if you have a DPI or a prejudicial interest and that you be relieved of the obligation to otherwise withdraw from the room in which the matter is being considered if the Council considers that the number of councillors or co-opted members otherwise prohibited from taking part in the meeting would be so great a proportion of the body transacting the business that it would impede the transaction of the business; or the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote on the business; or it is in the interests of the inhabitants in the Council's area to allow you to take part or that without the dispensation the Councils Cabinet would be prohibited from participating in the matter or it is otherwise appropriate to grant a dispensation.

Appendix A

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a councillor or co-opted member has a DPI are set out in Chapter 7 of the Act.

DPI's are defined in the Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

Interest

Prescribed description

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Gifts and Hospitality

2.32. In addition to the registration of interests, the Council requires councillors and co-opted members to register any gifts and hospitality worth £25 or more they have received with the Monitoring Officer.

2.33. Councillors and co-opted members must:

- a. register any gifts and hospitality with the Monitoring Officer within 28 days of being elected or appointed to office;
- b. register any gifts and hospitality within 28 days of the Council's Code of Conduct becoming applicable;
- c. register any gifts and hospitality with the Monitoring Officer within 28 days of receiving them;
- d. declare any gifts and hospitality at any meeting of the Council at which they are present, where a relevant matter is being considered;
- e. register any gifts and hospitality declared at a meeting, within 28 days of disclosing it.

Details on how councillors and co-opted members should register interests and gifts and hospitality can be obtained from [Democratic Services](#).

Appendix D

Comparison of Obligations between the Buckinghamshire Council Code and the Model Code



Comparison of Obligations

Buckinghamshire Council Code	Model Code
Basis	
Nolan Principles	Nolan Principles and set out in Appendix A
Scope/Application	
<p>Whenever acting in your capacity as a councillor of BC including:</p> <ul style="list-style-type: none"> • At formal meetings • Acting as a representative of the Council • When taking decisions • At briefing meetings • At site visits • When corresponding with the authority otherwise than in private capacity • When using social media, the internet or in relation to on-line presence if you refer in any way to your role as cllr or co-opted member or could reasonably be perceived as acting in any of the above capacities when doing so 	<p>When acting in your capacity as a councillor which may include when:</p> <ul style="list-style-type: none"> • you misuse your position as a councillor • Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor <p>The Code applies to all forms of communication and interaction, including:</p> <ul style="list-style-type: none"> • at face-to-face meetings • at online or telephone meetings • in written communication • in verbal communication • in non-verbal communication • in electronic and social media communication, posts, statements and comments <p>Also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor</p>
<p>Code applies to co-opted members.</p> <p>No definition given although extends to whenever they conduct the business of the Council including the office to which they were elected or appointed.</p>	<p>Code applies to co-opted members.</p> <p>Specifies statutory definition: someone “who is not a member of the authority but who</p> <p>(a) is a member of any committee or sub-committee of the authority, or</p> <p>(b) is a member of, and represents the authority on, any joint committee or joint</p>

	<p>sub-committee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee</p>
<p>Obligations</p>	
	<p>General principles:</p> <ul style="list-style-type: none"> • Act with integrity and honesty • Act lawfully • Treat all persons fairly and with respect • Lead by example • Impartially exercise responsibilities in the interests of the local community • Do not improperly seek to confer and advantage or disadvantage on any person • Avoid conflicts of interest • Exercise reasonable care and diligence • Ensure that public resources are used prudently in accordance with requirements and in the public interest <p>Particulars of conduct:</p> <ul style="list-style-type: none"> • Respect • Bullying, harassment and discrimination • Impartiality of officers of the council • Confidentiality and access to information • Disrepute • Use of position • Use of local authority resources and facilities • Complying with the Code of Conduct • Interests • Gifts and Hospitality
<p>Personal Interests</p>	
<p>Defined as:</p>	<p>Defined as: A matter which affects:</p> <ul style="list-style-type: none"> • your own financial interest or well-being



Business which

a) relates to or is likely to affect –

i. Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;

ii. Any body –

- Exercising functions of a public nature
- Directed to charitable purposes; or
- One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Of which you are a member or in a position of general control or management;

iii. Any person or body who employs or has appointed you;

iv. The interests of any person or body from whom you have received a gift or hospitality with an estimated value of at least £25

b) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision.

* a relevant person is –

- f. A member of your family or any person with whom you have a close personal association; or
- g. Any person or body who employs or has appointed such

- a financial interest or well-being of a relative, close associate or
- where the business relates to or is likely to affect:

a) any body of which you are in general control or management and to which you are nominated or appointed by your authority

b) any body

- (i) exercising functions of a public nature
- (ii) directed to charitable purposes or
- (iii) whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

<p>persons, any firm in which they are a partner, or any company of which they are directors; or</p> <p>h. Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or</p> <p>i. Any person or body of a type described in paras i. to iv. above</p>	
<p>Prejudicial Interests</p>	
<p>Subject to below, where you have a personal interest in any business of the Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.</p> <p>You do not have a prejudicial interest in any business of the Council where that business—</p> <ul style="list-style-type: none"> • does not affect your financial position or the financial position of a person or body described in a) or b) of box above; • does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in a) or b) above; or • relates to the functions of the Council in respect of— <ul style="list-style-type: none"> i an allowance, payment or indemnity given to councillors; ii any ceremonial honour given to councillors; and 	<p>No details</p>



iii setting council tax or a precept under the Local Government Finance Act 1992.	
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