



Ethics & Standards

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Localism Act 2011

- ❖ Changed system for regulating standards of conduct for members
- ❖ Abolished the national code and allowed councils to adopt their own code
- ❖ Abolished Standards Board and requirement to have Standards Committees
- ❖ Amended the sanctions available to councils
- ❖ Authorities have a statutory duty to promote & maintain high standards of conduct



Localism Act 2011

- ❖ Councils must adopt a code setting out standards expected – Nolan Principles
- ❖ Disclosable Pecuniary Interests
- ❖ MO is required to maintain a register of interests, which must be available for inspection and available on the Council's website.



- ❖ Committee on Standards in Public Life
– 10 year review of standards arrangements – report January 2019
- ❖ Differences in codes between tiers were confusing for everyone
- ❖ Wide variation of codes – some very minimal – declaration of interests – spouse, partner etc



- ❖ Councillors at different tiers covered by different rules
- ❖ CSPL recommended a new code- not mandatory
- ❖ As a minimum same code should apply across one area – with parishes adopting the District Code
- ❖ New model Code published by LGA – December 2020
- ❖ Guidance published 2021





Registration & Declaration of Interests

- ❖ Three categories
 - DPIs
 - Other registerable interests
 - Non-Registerable interests
- ❖ Differentiation between an interest that “directly relates” to the member etc or something that “affects” them





Difference between 'relates to' and 'affects'

- ❖ Something relates to a member's interest if it is directly about it. For example the matter being discussed is an application about a particular property in which a member or somebody associated with them has a financial interest.
- ❖ 'Affects' means the matter is not directly about that interest but nevertheless the matter at hand has clear implications for the interest – for example, it is a neighbouring property. An interest can of course affect a member, their family or close associates positively and negatively. So if a member or their family/close associate have the potential to gain or lose from a matter under consideration, an interest would need to be declared in both situations.





Declaration of Interests

- ❖ DPIs – disclose, no vote & leave the room
- ❖ Other registerable interests – matters which ‘directly relate’ to an other registerable interest - disclose – may speak if public have speaking rights – then no vote and leave the room





Declaration of Interests

- ❖ Non-Registerable interests – if it directly relates to the member etc (and not a DPI) they must disclose - may speak if public can as well – then no vote & leave the room



Declaration of Interests

- ❖ Non-Registerable interests – if it affects the member etc they must declare and then apply the tests overleaf if they wish to remain in the meeting after disclosure - no vote
- ❖ Dispensations
- ❖ Sensitive interests



Declaration of Interests

- ❖ Where the matter affects the financial interest or well-being:
 - to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - a reasonable member of the public knowing all the facts would believe that it would affect the member's view of the wider public interest





Disclosure of interests at meetings - Discussion

- ❖ What must be registered and when?
- ❖ What must be disclosed?
- ❖ When must it be disclosed?
- ❖ What happens if a councillor fails to disclose a DPI?
- ❖ What are the rules on participation and withdrawal from a meeting?
- ❖ When might dispensations be allowed?

