

23. Councillors' code of conduct

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23.1 The model code of conduct

The council has adopted the model code of conduct in the schedule to the Local Authorities (Model Code of Conduct) Order 2007.

23.2 Who does the code apply to?

The code applies to councillors and voting co-opted members of committees.

23.3 When does the code apply?

The code applies to behaviour that is linked to being a councillor. It applies to behaviour after a councillor is elected and to any behaviour before a councillor is elected that leads to a criminal conviction after they are elected.

23.4 Does the code apply when councillors represent the council on another body?

When councillors are representing the council on another body, they must follow the code unless it conflicts with a legal duty of the other body.

23.5 Respect and equality

The code says councillors must treat other people with respect and must not bully anyone. They must not do anything that could lead the council to break equality laws.

23.6 Intimidation

Under the code, councillors must not intimidate or try to intimidate anyone who is likely to:

- complain about the code being broken or
- act as a witness or
- be involved in dealing with a complaint.

23.7 Impartiality of council officers

Under the code, councillors must not do anything that would be likely to prevent officers or contractors from being impartial.

23.8 Information

Under the code, councillors must not stop anyone getting information they have a legal right to.

Councillors must not pass on information given to them in confidence or information they should know is confidential unless:

- they are required to by law or
- they have the consent of someone authorised to give it or
- it is to get professional advice and the person given the information agrees not to pass it on to anyone else or
- passing on the information is reasonable and in the public interest and the councillor is acting in good faith and has asked the monitoring officer their views.

23.9 Disrepute

Under the code, councillors must not do anything that could be seen to bring the council or the role of councillor into disrepute.

23.10 Misuse of position

Under the code, councillors must not try to use their position improperly to gain an advantage or disadvantage for themselves or others.

23.11 Use of council resources

The code says that when councillors use the council's resources or let other people use them, they must follow any reasonable rules set by the council and make sure that resources are not used improperly for political purposes.

23.12 Publicity

The code requires councillors to take into account the code of recommended practice on local authority publicity.

23.13 Advice of monitoring officer and chief finance officer

When councillors take decisions, the code says they must consider any advice given by the monitoring officer or chief finance officer.

23.14 Giving reasons for decisions

When councillors take decisions, the code says they must give reasons when required to by the law or by any council procedures that are reasonable.

23.15 Personal interests at meetings

The code lists personal interests that must normally be declared at meetings of full council and the board and their committees and subcommittees:

- (a) interests in anything likely to affect:
- any organisation the councillor is a member of or involved in managing or directing that has charitable goals or whose main purposes include influencing public opinion or policy
 - any outside body the council has put the councillor on or any organisation that does public work and that the councillor is a member of or involved in managing or directing – interests of this kind need only be declared when a councillor speaks on an item
 - any employment or business the councillor has
 - anyone who employs the councillor or has appointed the councillor to work for them
 - anyone who has contributed to the councillor's election expenses
 - anyone (except the council) who has contributed to the councillor's expenses as a councillor
 - anyone who has given the councillor a gift or hospitality worth £25 or more – interests of this kind need only be declared if they have been entered in the register of interests (see 23.19) within the past three years
 - any land in Oxford the councillor has a beneficial interest in or permission to occupy for 28 days or longer

- any organisation which has land or a place of business in Oxford and in which the councillor has a beneficial interest in securities with a nominal value over £25,000 or more than 1 per cent of the total shares issued to shareholders
 - any contract for goods, works or services between the council and any of the following: the councillor, a firm where the councillor is a partner, a company where the councillor is a paid director, or an organisation which has land or a place of business in Oxford and in which the councillor has a beneficial interest in securities with a nominal value over £25,000 or more than 1 per cent of the total shares issued to shareholders
 - any land that the council leases to any of the following: the councillor, a firm where the councillor is a partner, a company where the councillor is a paid director or an organisation which has land or a place of business in Oxford and in which the councillor has a beneficial interest in securities with a nominal value over £25,000 or more than 1 per cent of the total shares issued to shareholders
- (b) interests in anything that could be seen to affect (more than it affects residents, council tax payers or business rate payers generally in the ward involved) the finances or well-being of:
- the councillor or a member of their family or someone they have close links with
 - anyone who employs or has appointed a member of the councillor's family or someone the councillor has close links with
 - any firm where a member of the councillor's family or someone the councillor has close links with is a partner or any company where they are a director
 - any organisation where a member of the councillor's family or someone the councillor has close links with has a beneficial interest in securities with a nominal value over £25,000
 - any outside body the council has put a member of the councillor's family or someone the councillor has close links with on
 - any organisation that does public work or has charitable goals or whose main purposes include influencing public opinion or policy and that a member of the councillor's family or someone the councillor has close links with is a member of or involved in managing or directing.

A "beneficial interest" is an interest that can be benefited from. A person would have a beneficial interest in something that belonged to them or that was being held for them in a trust.

"Securities" are stocks, shares, bonds or anything else that pays interest or dividends.

The "nominal value" of a share is the value shown on the share certificate.

23.16 What if a councillor has a personal interest?

If a councillor has a personal interest in an item, they must declare it at the start of the item (or when they realise they have an interest if that is later): this involves saying they have an interest and what the interest is. There are two exceptions to this:

- a councillor is not required to declare an interest that they do not know about and could not be expected to know about
- if describing an interest would involve revealing sensitive information (see 23.20), a councillor need only say that they have an interest – they need not say what the interest is.

Once a councillor has declared a personal interest, they can stay in the meeting and speak and vote, unless the personal interest is also a prejudicial interest (see 23.17).

23.17 When is a personal interest also a prejudicial interest?

The code says that a personal interest is a prejudicial interest if:

- the councillor or the person or organisation they have the personal interest through is affected financially or by a regulatory matter (for example a planning or licensing matter) and
- a member of the public who knew all the facts could reasonably consider this likely to affect the councillor's judgement of the public interest.

There are some exceptions: an interest is not a prejudicial interest if it is an interest in:

- councillors' allowances, expenses or insurance
- ceremonial honours given to councillors
- council tax setting
- council housing, if the councillor's only interest is that they are a tenant or leaseholder (unless the item is about the councillor's particular tenancy or lease).

There is another way that a councillor can have a prejudicial interest: if a scrutiny committee is looking at a decision of the board or a council committee or subcommittee, a councillor will have a prejudicial interest if they were involved in taking the original decision.

23.18 What if a councillor has a prejudicial interest?

A councillor with a prejudicial interest in an item must not try to influence decisions on the item improperly.

Unless the standards committee has given them special permission to stay, the councillor must leave the meeting while the item is dealt with. But before they leave they can make their case and answer questions if other members of the public would also have this right. (For example, a councillor would be able to answer a scrutiny committee's questions on a decision they had been involved in.)

23.19 Registering interests

The code requires councillors to register certain interests by writing to the monitoring officer within 28 days of the code starting to apply to them or 28 days of finding out that their interests have changed. There is an exception when sensitive information is involved (see 23.20). The interests that must be registered are:

- any outside body the council has put the councillor on
- any organisation the councillor is a member of or involved in managing or directing that does public work or has charitable goals or whose main purposes include influencing public opinion or policy
- any employment or business the councillor has
- anyone who employs the councillor or has appointed the councillor to work for them
- anyone who has contributed to the councillor's election expenses
- anyone (except the council) who has contributed to the councillor's expenses as a councillor
- anyone who gives the councillor a gift or hospitality worth £25 or more – this only applies to gifts or hospitality that are linked to being a councillor
- any land in Oxford the councillor has a beneficial interest in or permission to occupy for 28 days or longer
- any organisation which has land or a place of business in Oxford and in which the councillor has a beneficial interest in securities with a nominal value over £25,000 or more than 1 per cent of the total shares issued to shareholders
- any contract for goods, works or services between the council and any of the following: the councillor, a firm where the councillor is a partner, a company where the councillor is a paid director, or an organisation which has land or a place of business in Oxford and in which the councillor has a beneficial interest in securities with a nominal value over £25,000 or more than 1 per cent of the total shares issued to shareholders
- any land that the council leases to any of the following: the councillor, a firm where the councillor is a partner, a company where the councillor is a paid director or an organisation which has land or a place of business in Oxford and in which the councillor has a beneficial interest in securities with a nominal value over £25,000 or more than 1 per cent of the total shares issued to shareholders.

23.20 Sensitive information

Information about a councillor's interests is sensitive if making it public would be likely to create a serious risk of violence or intimidation to the councillor or someone they live with. Councillors do not have to include information in the register of interests if the monitoring officer agrees that it is sensitive. If a councillor finds out that the information has stopped being sensitive, they must tell the monitoring officer within 28 days and ask for it to be included in the register.

23.21 General principles of public life

The code of conduct should be read together with the general principles of public life in the Relevant Authorities (General Principles) Order 2001:

- selflessness: councillors should serve the public interest; they should not advantage or disadvantage anyone improperly
- honesty and integrity: councillors should avoid situations where their honesty may be questioned
- objectivity: councillors should make decisions on merit, including when they make appointments, award contracts or recommend people for awards or benefits
- accountability: councillors should be accountable to the public for their actions and for how they carry out their responsibilities; they should co-operate fully with any appropriate scrutiny
- openness: councillors should be as open as possible about their own and the council's actions; they should be prepared to give reasons for actions
- personal judgement: councillors may take account of other people's views, including the views of their political group, but they should make up their own minds when deciding how to act
- respect for others: councillors should not discriminate unfairly; they should allow council officers to act with honesty and without bias
- duty to uphold the law: councillors should follow the law and remember that they are trusted by the public
- stewardship: councillors should try to ensure council resources are used legally and wisely
- leadership: councillors should promote these principles by leadership and example; they should act in a way that achieves public confidence.