

**COUNCILLOR CODE OF CONDUCT
FREQUENTLY ASKED QUESTIONS**

1. What is the Code of Conduct?

The Code regulates the behaviour of Councillors, setting down specific requirements for what they should and should not do.

2. Does every Council have a Code of Conduct?

Yes and it will be identical or very similar to, the Model Code of Conduct issued by the Government on the 4th April 2007 (link to Model Code).

3. To whom does the Code apply?

It applies to all county, district, town and parish councillors whether elected or co-opted.

It does **not** apply to complaints about Council Officers or about specific decisions that a Council has made.

4. When does the Code apply?

The Code of Conduct applies to Councillors whenever they are acting, or give the impression they are acting, in their official capacity.

It does **not** generally apply when they are acting in a personal or private capacity.

5. What are the requirements of the Code?

The Code imposes a number of obligations on councillors including :-

- a) to treat others with respect;
- b) not to bully;
- c) not to disclose confidential information;
- d) not to bring their office or the authority into disrepute;
- e) not to use their position improperly;
- f) to declare any personal interest and prejudicial interest they may have in matters being considered by the Council (see below).

6. What is a “Personal Interest” and what must a Councillor do who has such an interest?

A Councillor has a “personal” interest in any matter being considered at a Council meeting which is either:

- (i) an interest that must be recorded on their Register of Interests e.g. details of their employer, property they own or occupy or membership of a charity, pressure groups, political party or trade union; or
- (ii) it affects their well being or financial position (or those of their family or close associates) more than the majority of inhabitants.

In such circumstances the Councillor must declare an interest, but provided it is not “prejudicial” (see below), can still speak and vote on the matter.

7. What is a “Prejudicial Interest” and what must a Councillor do who has such an interest?

A prejudicial interest is a personal interest that affects a Councillor’s:

- Finances, or relates to a licensing or planning application (or those of their family or close associates) ; and
- A member of the public would reasonably think that such an interest is so significant that it is likely to prejudice the Councillor’s judgement of the public interest.

If a Councillor has a prejudicial interest it must be declared and the Councillor should not debate or vote on the matter, although in certain circumstances they may have the same right to speak, if a member of the public has such right under the Council’s procedures.

A fuller explanation of “personal” and “prejudicial” interests can be found at (insert link).

8. What must a Councillor do who receives Gifts or Hospitality?

Details of any gifts or hospitality worth £25 or more (including details of the donor) and **received in connection with their official duties**, (not birthday or Christmas gifts from friends and family), must be recorded with the Monitoring Officer within 28 days of receipt.

A Councillor would automatically have a “personal interest” in any matter under consideration if it affects the person who gave the gift or hospitality and it may also amount to a “prejudicial interest”, but the obligation to disclose such an interest ceases after 3 years.

9. If I believe a Councillor has breached the Code of Conduct, to whom do I complain?

You should refer your complaint, in writing, addressed to the Council's Monitoring Officer at Huntingdonshire District Council, Pathfinder House, St Mary's Street, Huntingdon, Cambs PE29 3TN. There is also a complaint form that can be used on the Council's website (link to complaint form).

10. Who considers my complaint?

Initially the complaint is considered by the Standards Assessment Committee, comprising 3 people, chaired by an independent person i.e. a person who is not a councillor. If the complaint relates to a town or parish councillor, the panel will also include one of the three town and parish councillors appointed to the Standards Committee. Complaints are normally considered within 20 working days of being received.

11. What do the Standards Assessment Committee decide?

Based solely on the information provided by the complainant and any general background information available, they decide whether there has been a *potential* breach of the Code of Conduct and if so whether it is serious enough to warrant a full investigation or if not, whether some other action is more appropriate. They **do not** decide whether there has been an actual breach of the code, as this is only determined after a full investigation and hearing.

12. Is there a right of appeal against the decision of the Referrals Assessment Sub-Committee?

Yes. If the Referrals Assessment Sub-Committee decide no further action should be taken, the complainant has a right of appeal within 30 days to an Appeals Panel comprising 3 different people, but again chaired by an independent person.

13. What happens if the complaint is referred for an Investigation?

If the matter is referred for a formal investigation, there will be a full hearing by the Standards Consideration and Hearings Committee to consider the evidence obtained by the appointed Investigating Officer and to hear representations from the Councillor complained about. The Committee again is chaired by an independent person and determine if there has been a breach of the Code of Conduct.

14. What sanctions can be imposed if a breach of the Code of Conduct is found?

If a breach of the Code is found, the Standards Committee can impose a range of sanctions from requiring an apology or training, or the suspension from office for up to 6 months. If the matter is considered to be more serious, it can be referred to the First Tier Tribunal (Local Government Standards of England) who can disqualify a councillor for up to 5 years.