

## Karenza Heald ] UNIT TWO: LAW & PROCEDURES FOR LOCAL COUNCILS ] L013

CiLCA qualified officer understands a council's duty to uphold high standards of behaviour in public life.

### THE EVIDENCE

You submit an explanation showing how a council fulfils its duty to uphold high standards of behaviour in public life. You refer to the statutory duties of councillors and good practice for conducting meetings.

### GUIDANCE

The council has a duty to uphold high standards of behaviour in public life. The legal reference for this duty should be noted. Councils fulfil this duty by adopting a Code of Conduct and by guiding councillors to comply with their statutory duties. The explanation should include non-statutory activities designed to help the council fulfil its duty such as ensuring councillors are trained, managing conflict and avoiding breaches of the Code.

There are 250 words for this task (maximum 275). Either use the space below to write your answer or alternatively you can upload a Word or Text Document using the [UPLOAD FILE] button below.

### ACHIEVEMENT CRITERIA

The assessors check that you can...

13.1 explain how a council fulfils its duty to uphold high standards of behaviour in public life with reference to the statutory duties of councilors and good practice for conducting meetings.

### Assessor feedback

A most unusual way of answering this question Karenza, but none the worse for that as careful reading shows that you have completely fulfilled the requirements set out in the assessment criteria. Your footnoted bibliography shows that you investigated thoroughly the background information before writing this response and its paid of handsomely with a first class answer.

In 1994, a standards committee was established and in 1995, Lord Nolan set out a set of principles, which are included in the ministerial code. These principles apply to anyone who works in public office.

An explanation on each of these principals is outlined on the Standards Committee’s website: <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>.

Councils must adopt and publish a code of conduct.

Since 2008, complaints are now referred locally to the Standards Board of the principal authority.

<b>The Nolan Principles</b>	
Selflessness	<p>Qualifying councillors<sup>1</sup> are holders of public office, who give up their time to serve the community.</p> <p>Councillors must disclose pecuniary interests <sup>2</sup> and must not show predetermination or prejudicial interests.<sup>3</sup></p>
Integrity	<p>The way a Councillor conducts his / herself is a reflection on the Council. It is important Councillors respect one another. The role of the Chair is to preside the meeting, preserving order ensuring proceeding are conducted in a proper manner.<sup>4</sup></p>
Objectivity	<p>Decisions should be made impartially, using evidence and without discriminating<sup>5</sup> or being bias.</p> <p>Councillors are accountable to the public and should ask themselves whether a member of the public would consider whether they are biased or have a prejudicial interest.</p>
Accountability	<p>Councils are responsible for public money and must:</p> <ul style="list-style-type: none"> <li>• Appoint someone responsible for the administration of the Councils financial affairs.<sup>6</sup></li> <li>• Ensure proper practices are followed regarding the accounting, audit practices and financial management of the council.<sup>7</sup></li> </ul>
Openness	<p>Information should not be withheld from the public<sup>8</sup> unless there is a lawful reason for not doing so.<sup>9</sup></p> <p>The Council should be prepared to be filmed or recorded in public meetings.<sup>10</sup></p>
Honesty	<p>Councils must be truthful.</p>
Leadership	<p>Councillors should promote and support the principles.</p>

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<sup>1</sup> [https://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0003/141798/Part-1-Can-you-stand-for-election-P-and-C.pdf](https://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/141798/Part-1-Can-you-stand-for-election-P-and-C.pdf) - See page 3 – 1.1 (qualifications) and page 4 1.3 (disqualifications)

<sup>2</sup> [Localism Act 2011, c 20 PART 1, CHAPTER 7 Section 31](#) - Pecuniary interests in matters considered at meetings or by a single member

<sup>3</sup> <http://askyourcouncil.uk/model-code-of-conduct/model-code-of-conduct-part-2/>

<sup>4</sup> National Dwellings Society v Sykes (1894)

<sup>5</sup> [Equal Opportunities Act 2010](#)

<sup>6</sup> [Local Government Act 1972 c70, Part VIII Expenses and receipts, Section 151](#)

<sup>7</sup> [Accounts and Audit regulations 2015](#)

<sup>8</sup> [Freedom of Information Act 2000](#)

<sup>9</sup> [Data Protection Act 2018](#)

<sup>10</sup> [The Openness of Local Government Bodies Regulations 2014](#)