

CODE OF CONDUCT FOR LOCAL GOVERNMENT MEMBERS

The Labour Party expects high standards of behaviour from its elected representatives. Our rules clearly state that competence and probity matter. In addition there are national frameworks of standards and ethics governing local government.

Chief whips are responsible for ensuring that our members are aware of the requirements of the standards framework, and that they maintain good standards of behaviour and probity as councillors.

Whips should ensure that:

- all members are aware of and uphold the provisions of the code of conduct, are aware of the requirements of office and are aware of the standards framework.
- all Labour members sign up to the local code as soon as they are elected.
- all Labour members complete the register of interests held by the monitoring office and the register of interests held by the whip, and keep both up to date.

Any referral to a standards committee should be reported to the Governance & Legal Unit and to the regional office, Scottish Labour Party office or Welsh Labour Party office. The party has established a legal line to offer support to Labour councillors if they are referred to a standards body. The telephone number is 0207 803 3919 or email fgr@edwardsduthieshamash.co.uk.

The Labour Party expects all its representatives to uphold the highest standards of integrity and probity in public life. Please support your members in complying with these requirements.

1) The ethical framework

An ethical framework for local government was established by the Local Government Act 2000, which requires ever-higher standards of behaviour and ethics from all councillors. The Labour Party takes this challenge very seriously indeed. Being a Labour councillor is an honour not a right, and all our representatives must meet the highest possible standards of conduct and behaviour – both individually and collectively – if they are to be worthy of the trust placed in them by those who have elected them. In addition it is clear our political opponents will use any opportunity to discredit our party through the behaviour of our councillors.

The role of the Chief whip therefore needs to include a focus on monitoring and promoting high standards of conduct, as well as the enforcement of group discipline and the management of council business.

The vast majority of Labour councillors are immensely committed, hard-working public representatives, and we must not let the opposition parties abuse the standards committee procedures for purely party political advantage. What we need to do is spread the best practice of the many so that the few councillors who do not meet these standards do not let the others down, and are allowed the opportunity to improve their behaviour.

2) The rules framework

Council Code of Conduct

The Localism Act 2011 made substantial changes to the code of conduct. Local authorities must have in place a locally agreed code of conduct, which replace the 2007 standard code of conduct. They must also have in place arrangements under which allegations of a breach of the code can be investigated and decisions on allegations are made. These arrangements must include the appointment of at least one independent person. The Standards Board for England has been abolished and so breaches of the code must be dealt with internally.

The Localism Act also made it a criminal offence to not declare certain 'disclosable pecuniary interests' to the Monitoring Officer. These replace the old system of personal and prejudicial interests. A council may add whatever pecuniary interests it wishes to the list of those to be disclosed at the start of a meeting. However, there is a statutory list of interests that must be included.

This list is in 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012', and includes:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- 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(3).

- 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—
- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.
- Any beneficial interest in land which is within the area of the relevant authority.
- Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where (to M's knowledge)—
- the landlord is the relevant authority; and
- the tenant is a body in which the relevant person has a beneficial interest.
- 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
 - (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.

Please refer to the full list and explanatory information in the statutory instrument here: <http://www.legislation.gov.uk/uksi/2012/1464/made>

If in any doubt about pecuniary interests and the new codes of conduct, councillors should seek advice from the Local Authority Monitoring Officer. In particular, written advice should be sought prior to a meeting on whether they must withdraw on an item of concern.

Party rules

Chapter 16 of the party's rule book, governing Labour groups in local government, has been in effect since the annual meetings of Labour groups in 2000. It is now an enabling framework of basic minimum rules and requirements, within which groups will adopt

standing orders and procedures most appropriate to the model of local governance in operation in their council.

Relevant extracts from the rules governing the behaviour of group members are given below. The responsibility for ensuring that members abide by the rules and standing orders rests with the Chief whip.

16.II.(2) A.

Individual members of Labour groups and group observers

To uphold the highest standards of probity and integrity

ii. *The Labour Party requires its representatives to uphold the highest standards of probity and integrity and they shall be guided in those standards by advice from the NEC. The onus of responsibility for upholding those standards rests with the individual councillor and group observer. Specifically, it shall be the responsibility of the group whip to establish a register of interests in the form prescribed by the NEC, detailing for each member of the group and group observer his/her employment, financial interests in companies, membership of trade unions and other societies or organisations.*

iii. *Labour councillors and members must at all times avoid not only wrong-doing but also the perception of wrong-doing. Therefore if there is any uncertainty regarding whether a declaration of interest is appropriate, Labour councillors and members must take the most open course of action and declare an interest or disclose all relevant circumstances, taking advice if necessary. The statutory provisions relating to the declaration of personal and prejudicial interests shall apply to full group meetings and other meetings of all or part of the Labour group (e.g. pre-committee meetings). Councillors and group observers are required to take appropriate actions in all those meetings in respect of any interest (e.g. an individual with a prejudicial interest in the item under discussion must declare that interest and leave the meeting while that item is under consideration).*

B. *To comply fully with the statutory ethical framework*

i. *Members of the Labour group must sign and abide by any codes of conduct as may be agreed by the local authority from time to time. Members of the Labour group must sign any legal requirements relating to acceptance of office.*

C. *To accept the rules and standing orders of the Labour group*

- i. *Members of the Labour group shall agree in writing to abide by the rules and standing orders of the Labour group, as agreed at the annual meeting of the group. Members of the Labour group must register as members of the Labour group under the provisions of the Local Government (Committees and Political Groups) Regulations 1990. Failure to do so within 14 days of a written request from an officer of the group shall automatically render that person outside the group for all purposes and ineligible to be or remain a party member (subject to the provisions of 6A.2 of the party's disciplinary rules).*

The general provisions of the constitution and rules of the party shall apply to this group.

Therefore the key points to note are that:

- 16.II(2)(A)(ii) requires the chief whip to establish a register of interests of members of the group, detailing for each member of the group and group observer his/her employment, financial interests in companies, membership of trade unions and other societies or organisations. This is in addition to the statutory one held by the council's monitoring officer. The purpose of the whip's register is that the whip may ensure that members comply with the code and is aware of any interests that might affect the participation of a member of a group in a discussion or vote. A copy of the form for the group register is attached as an appendix.
- 16.II.2(C)(i) and (ii) require members to agree in writing to abide by the rules and standing orders of the group and by any code of conduct issued by their authority, and to register as members of the Labour group. An officer of the group is required to request members to do this and it would be logical for this officer to be the Chief whip.
- 16.XIII gives the chief whip responsibility for the implementation of NEC guidance on disciplinary procedures and any possible breach of rule by a member of a Labour group.

The section 16.II. – Aims and Values – sets out the expectations the party nationally and local party members have of their locally elected representatives. This ranges from things like activities in the community, attendance at meetings and comradely behaviour to being a member of the Association of Labour Councillors and meeting all legal and statutory requirements. The chief whip will have a duty to ensure all members

are abiding by these, and to watch for any members that may be having a difficulty in doing so, so that any necessary action may be taken.

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