

# The Northern Ireland Code of Local Government Conduct

A CODE OF  
RECOMMENDED PRACTICE  
FOR THE  
GUIDANCE OF COUNCILLORS

April 2003

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## **Part 1 - Introduction**

### **Guidance**

1. This code of conduct provides guidance to councillors of Northern Ireland district councils on the standards of conduct expected of them in carrying out their official duties and in maintaining working relationships with fellow councillors and council employees. The behaviour of councillors will be judged against these standards of conduct.
2. The Department of the Environment has issued this code under Section 7A of the Local Government Act (Northern Ireland) 1972. It supersedes the previous Northern Ireland Code of Local Government Conduct for Councillors which issued under the former Department of the Environment for Northern Ireland's letter dated 30 October 1992 (Circular No. LG 50/92) .
3. As required by Section 7A, before issuing this code the Department has consulted district councils, bodies representing local government and other interested parties.
4. Section 7 of the 1972 Act requires councillors, on election, to serve on their councils declarations affirming that they have read and will be guided by this code of conduct.

## **Part 2 - General Duties**

### **Public duties**

5. As a councillor, you should observe this code whenever you:
  - conduct the business of your council;
  - undertake the role of councillor to which you were elected; and
  - act as representative of your council.
6. If you represent your council on another body, you should comply with this code unless it conflicts with any legal or other obligations associated with service on that body. If you become aware of any such conflict, you should draw it to the attention of your council and the other body as soon as it becomes apparent.

7. Where your appointment to another body does not arise from your position as a councillor, this code will not apply to that appointment. You will, however, be expected to have regard to the code and ensure that you do not bring your position as a councillor, or your council, into disrepute.
8. You are reminded that councils have specific responsibilities under equality legislation. That legislation underpins many of the requirements of this code. You should ensure that you are familiar with the relevant statutes and provisions<sup>1</sup> and, in particular, with the obligations contained in your council's equality scheme to promote equality of opportunity and good relations between persons of different religious belief, political opinion or racial group.
9. As a councillor, you are expected to maintain and strengthen public trust and confidence in the integrity of your council. You should promote and support this code at all times and encourage fellow councillors to follow your example.
10. You should assist your council to act, as far as possible, in the interests of the whole community. Whilst individuals are entitled to pursue their own personal concerns about local issues, you are not obliged to represent their views above the wider public interest.

### **Working relationships with other councillors**

11. You are expected to work responsibly with fellow councillors for the benefit of your whole community. You should therefore abide by any council procedures or standing orders and you are expected to promote an effective working environment within your council. You should show respect and consideration for fellow councillors at all times.

1. *The relevant statutes and provisions mentioned in paragraph 8 above include the Equal Pay Act (NI) 1970 (amended 1984); the Sex Discrimination (NI) Order 1976 (amended 1988); the Disability Discrimination Act 1995; the Fair Employment and Treatment (NI) Order 1998; the Race Relations (NI) Order 1997; the Northern Ireland Act 1998 (sections 75 and 76); the Rehabilitation of Offenders (NI) Order 1978; and the Exceptions Order 1979.*

### **Working relations with council employees**

12. You should also show respect and consideration for council employees at all times and ensure that your actions do not compromise their impartiality. You should abide by the Department's "Protocol for Relations between Councillors and Employees in Northern Ireland District Councils" which is appended to this code.

### **Accountability and openness**

13. You are accountable to the public for your actions and for your personal role in the decision-making process of your council. You should therefore be as open as possible about the decisions and actions you take as a councillor. This means being able to explain the reasons for your decisions and actions and not withholding information unless required to do so by the law or in the public interest.
14. You should not prevent any person from gaining access to information to which that person is entitled by law (e.g. under the terms of the Data Protection Act 1998 or the Freedom of Information Act 2000).

### **Confidentiality**

15. If you have access to confidential material and information, you should handle it in accordance with council rules. You should not use information received in confidence for private purposes or personal gain.

### **Duty to uphold the law**

16. Like all members of the public, you should uphold the law at all times. In addition, you should not behave in a manner that could be regarded as bringing your role as a councillor, or your council, into disrepute. You should report to the council's Chief Executive the conduct of any fellow councillor which you believe is, or is likely to be, in breach of this code. However, you should not make unfounded accusations or malicious complaints against other councillors.

### **Selflessness and stewardship**

17. You should act in the public interest at all times. In particular, you should not, either officially or otherwise, use your position to gain advantage (financial or other) for yourself, a family member or a friend<sup>2</sup> or business associate.
18. You should use council resources and facilities prudently and effectively in the interests of the public and in accordance with the law. These resources should be used in accordance with council requirements and not for any personal benefit or to any political party or group interests. This will apply, for example, to the use of transport, secretarial assistance, stationery and equipment (such as telephones and computers).
19. You should comply with legislation and determinations relating to councillors' allowances and expenses.
20. The Statement of Recommended Practice on Local Authority Accounting requires the disclosure of related party transactions. You should co-operate

with your council with regard to providing the necessary information to be included in the annual accounts of the council.

### **Objectivity and propriety**

21. Whilst council business decisions will normally be made solely on merit, you may on occasions be expected to have regard to formal council policy on allocating appointments in accordance with political proportionality<sup>3</sup>. This policy does not apply to the appointment of council employees or the award of contracts.
22. If you have a pecuniary, or private or personal non-pecuniary, interest in a matter being considered by your council, you should exclude yourself from discussions and decisions on that matter (see also Part 3 of the Code).
2. No attempt has been made in the code of conduct to define “a family member or a friend” as mentioned in paragraph 17 or “a family member” as mentioned in paragraph 24. Such a task would be fraught with difficulty. The key principle is the need for transparency so that a member of the public, acting reasonably, could not regard any of your decisions or actions as being favourable towards an individual (who appears to be a family member or a friend) and contrary to your responsibility as a councillor to act in the public interest at all times.
3. Many councils operate a policy of political proportionality (as mentioned in paragraph 21 above) in determining appointments to office. In these circumstances, appointments may not necessarily be made solely on merit.

### **Integrity**

23. You should avoid placing yourself under any obligation (financial or other) that might be considered to influence you in the performance of your duties as a councillor. You should avoid any appearance of improper behaviour and take personal responsibility for your view and vote on any council business.
24. You should not seek or accept gifts or offers of hospitality that might be intended (or might be considered) to influence your judgement on council matters. Similarly, it is your duty to discourage gifts and offers of hospitality to a family member<sup>2</sup>. As a general rule, you should refuse any such offers except for:
  - ‘one-off’ gifts of a trivial nature or inexpensive seasonal gifts;
  - civic gifts received on behalf of your council; and
  - normal hospitality associated with the performance of your duties as a councillor.

## **Part 3 - Declaration and Registration of Interests**

### **Pecuniary and non-pecuniary interests**

25. Section 28 of the Local Government Act (Northern Ireland) 1972 requires you to declare any pecuniary interest (including that of a spouse you are living with) that you may have in any matter coming before any meeting of your council (including a committee or sub-committee meeting). Such interests will be recorded in the statutory register kept by your council for this purpose.
26. You should not speak or vote on a matter in which you have a pecuniary interest. If such a matter is to be discussed by your council, you must withdraw from the meeting whilst that matter is being discussed.
27. You should also declare any significant private or personal non-pecuniary interest in a matter arising at a council meeting (including a committee or sub-committee meeting). An interest will be significant where you anticipate that a decision on the matter might reasonably be deemed to benefit or disadvantage yourself to a greater extent than other council constituents. Private or personal interest also extends to your membership of, or association with, any business, club, society, voluntary body or other organisation.
28. You should declare any significant private or personal non-pecuniary interest in a matter as soon as it becomes apparent. You should then withdraw from any council meeting (including a committee or sub-committee meeting) when the matter is being discussed. It is your own personal responsibility to determine, having regard to this code of conduct and council advice and guidance, whether you have any such interest.

### **Dispensations**

29. In exceptional circumstances, you may be able to get a dispensation to speak and vote at a council meeting (including a committee or sub-committee meeting) in spite of a pecuniary interest. The Department may grant such a dispensation under Section 29 of the Local Government Act (Northern Ireland) 1972.
30. On occasions, you may feel that it would be to your council's benefit if you were to remain in a council meeting (including a committee or sub-committee meeting) when a matter in which you have a significant private or personal non-pecuniary interest is to be debated. Before doing so, you should consider whether your interest is so significant that it would be wrong in any circumstances for you to remain. Your council may have specific guidance

on such matters. Subject to this, you may speak and vote on such a matter if (but only if):

- at least half of the council or committee would otherwise be required to withdraw from the debate due to their personal interests in the matter; or

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- your withdrawal, together with that of other councillors or members of the committee who are required to withdraw due to their personal interests in the matter, would leave the council or committee without a quorum.

31. In those circumstances outlined in the preceding paragraph, you should take advice on the matter from a relevant senior council employee. If you decide to remain in the meeting, you should declare that decision and your reasons for doing so.

32. In the case of a sub-committee which is very small and where a large proportion of councillors or members declares personal interests in a matter, it will usually be more appropriate for the matter to be referred to the parent committee.

33. It would, however, be appropriate for you to remain at a council meeting (including a committee or sub-committee meeting) and speak and vote on a matter in which you have declared a significant private or personal non-pecuniary interest if your interest arises because you are:

- a member of a public body; or
- a member or supporter of a charity, voluntary body or other organisation formed for a public purpose (i.e. not for the personal benefit of members). However, except where you have been appointed by your council as a representative on the organisation, you should not vote (although you may speak) on any matter directly affecting the finances or property of the organisation if you are a member of the organisation's management committee or governing body.

34. You should apply the principles of disclosure of interests in your dealings with council employees and in your unofficial relations with fellow councillors.

### **Membership of committees and sub-committees**

35. You should not seek, or accept, membership of any committee or sub-committee if it would involve you in disclosing an interest so often that it would be of little value to the committee or sub-committee or it would damage public confidence in the committee or sub-committee.

### **Chair of council, committee or sub-committee**

36. You should not seek or accept the position of chair of the council, or of any council committee or sub-committee, if you have a substantial financial interest in, or are closely related to, the business affairs of the council or committee or sub-committee.

### **Family relations who hold, or apply for, council appointments**

37. Section 30 of the Local Government Act (Northern Ireland) 1972 requires you to disclose in writing to your council any relevant family relationship (as defined in that section) known to exist between you and any person who, to your knowledge, either holds or is a candidate for appointment to any office in the council.

## **Protocol for Relations between councillors and employees in Northern Ireland district councils**

### **Purpose**

1. This protocol is intended to guide councillors and council employees in their behaviour towards each other. It does so by focusing on some issues of common interest. It is hoped that the recommended approach will “read across” to other issues.
2. The protocol seeks to reflect the content of the respective codes of conduct for councillors and employees. Both codes aim to maintain and further enhance the status and integrity of local government. They therefore demand high standards of personal conduct at all time.

### **General**

3. Councillors and council employees should be courteous and respectful to one another when working together. They should not seek to take unfair advantage of their respective positions.

### **Relations between council employees and committee chairs**

4. In particular, it is important that there should be good working relationships between council employees and chairs of committees and sub-committees. However, such relationships should not be allowed to become so close as to cast doubt either on an employee’s ability to deal impartially with other councillors or a chair’s ability to deal impartially with other employees.
5. Employees will regularly consult chairs of committees and sub-committees on the preparation of agendas and reports. Ultimately, however, employees will be responsible for any material submitted in their names and should

never exceed the authority given to them by their senior management. Chairs should bear this in mind in their dealings with employees.

6. Any issues of concern should be referred to the Chief Executive who should discuss these with the council Mayor or Chair.

### **Employees' advice to political groups**

7. Employees should treat all political groups and individual councillors equally and fairly. They must observe any council rules about access by political groups to employees and must remain politically neutral at all times.
8. Employees should only provide political groups with advice and information in relation to council business. They should not normally be expected to attend meetings where any business matters relating to a political group are to be discussed. Employees will, however, be expected to provide all relevant information to committees and sub-committees on matters that are due for discussion.
9. Where employees attend a political group meeting, the Chair must ensure that councillors present are clear about the basis on which those employees are in attendance. Employees must respect the confidentiality of discussions at any political group meetings which they attend and must not relay details to another political group or individual councillor.
10. Any issues of concern should be raised with the Chief Executive who will discuss them with the relevant political group leaders.

### **Correspondence**

11. Employees should not normally copy correspondence with an individual councillor to any other councillor. Where it is considered necessary to do so, this should be made clear at the time to the original addressee.

### **Appointment of employees**

12. Where councillors are involved in the appointment of employees, they must act fairly and openly, judging applicants solely on merit. Appointments must be made in accordance with the Local Government Staff Commission's Code of Procedures on Recruitment and Selection.

### **Personal relationships**

13. Positive, friendly working relationships between councillors and employees will help project a positive image of the council to local people. However, close personal relationships could affect the perception of local people regarding the objectivity and professionalism of councillors and employees.

Discretion and caution should therefore be exercised by councillors and employees in developing close personal friendships while they have official working relationships.

### **Public comment**

14. Councillors and employees should not publicly discuss the conduct of fellow councillors and employees.

### **Support services to councillors and political groups**

15. Employees can provide councillors with support services to help them discharge their roles as councillors. However, such services must not be provided for political, campaigning or private purposes.

### **Councillors' access to council documents and information**

16. Councillors may ask any council department to provide information that they need to discharge their roles as councillors. Such an approach should normally be made through the senior employee of the department concerned. Councillors should only use such information for the purpose for which it was provided.