The Northern Ireland Local Government Code of Conduct for Councillors

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Environment
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Contents

Part		Page
1.	**Introduction**	
	Effective date of the Northern Ireland Local Government Code of Conduct for Councillors	1
	Background	1
	Public Expectations	2
	Guidance	2
2.	**Requirement to comply with the Code**	2
	Who does the Code apply to?	2
	When does the Code apply?	3
	Enforcement of the Code	4
3.	**Principles of Conduct**	5
4.	**Rules of General Conduct**	8
	Your obligations as a councillor	8
	Behaviour towards other people	10
	Disclosure of information	11
	Use of your position	11
	Use of your council resources	12
	Expenses and allowances	12
	Registration of gifts and hospitality	12
5.	**Rules relating to the registration of interests**	13
	The role of the Chief Executive	13
	Interests	13
	Registration of financial and other interests and memberships and management positions	14
	Sensitive information	15
6.	**Rules relating to the disclosure and declaration of interests**	15
	Pecuniary interest	15

Private or personal non-pecuniary interest 15
Dispensations 16
7. Rules relating to lobbying and access to councillors 17
Rules of conduct regarding lobbying 18
8. Rules relating to decision making 19
9. Application of the Code of conduct with regard to planning matters 20
Development management 20
Decisions contrary to officer recommendation 22
Decisions contrary to local development plan 22
Policy and strategic issues 22
Other interests 22
Unauthorised development 23
Annex A – Sources of guidance relating to the Code 25
Annex B – Glossary 27
Annex C - Sanctions 29

1. INTRODUCTION

Effective Date of the Northern Ireland Local Government Code of Conduct for Councillors (the Code)

1.1 Parts 1 to 8 came into force on 28 May 2014 and Part 9 (Planning) shall come into force on 1 April 2015. The Code has been laid in draft and approved by a resolution of the Assembly. The Code may be amended or revised at any time but such amendment or revision is subject to the same Assembly procedure.

Background

The Local Government Act (Northern Ireland) 2014 (the 2014 Act)

1.2 As a consequence of decisions taken by the Northern Ireland Executive on the future shape of local government, the 2014 Act contains a number of provisions for the reform of local government. These include a new ethical framework for local government in Northern Ireland, a key element of which is the introduction of a mandatory code of conduct for councillors. Previously, councillors were guided by the non-mandatory Northern Ireland Code of Local Government Conduct which issued in April 2003.

1.3 The 2014 Act:-

- provides for the introduction of a mandatory Northern Ireland Local Government Code of Conduct for Councillors;
- imposes a requirement for councillors to observe the Code; and
- establishes mechanisms for the investigation and adjudication of written complaints that a councillor has failed, or may have failed, to comply with the Code.

1.4 The 2014 Act requires the Department to consult councils and such associations and bodies representative of councils and council officers and such other persons as appear to it to be appropriate, before issuing or revising the Code.

Public expectations

1.5 The Northern Ireland public has the right to expect high standards of behaviour from councillors and the manner in which they should conduct themselves in undertaking their official duties and in maintaining working relationships with fellow councillors and council employees. As a councillor, you must meet those expectations by ensuring that your conduct complies with the Code. The Code details the principles and rules of conduct which you are required to observe when acting as a councillor and in conducting council business. Therefore your behaviour will be judged against these standards of conduct.

Guidance

1.6 To assist you in understanding your obligations under the Code, you should read the guidance available from:

- the Northern Ireland Commissioner for Complaints, on the application of the Code and the complaints procedure,
- the Department, on planning matters, and
- the Equality Commission for Northern Ireland on section 75 obligations.

Information on where you can find this guidance and additional contact details are provided at Annex A.

2. REQUIREMENT TO COMPLY WITH THE CODE

Who does the Code apply to?

2.1 The Code applies to councillors of councils established in accordance with section 1 of the Local Government Act (Northern Ireland) 1972 Act (the 1972 Act) as amended by the Local Government (Boundaries) Act (Northern Ireland) 2008.

2.2 The Code will also apply to councillors of existing councils[1] and shall continue to apply until those councils are dissolved in April 2015.

[1] "existing councils" refers to those councils currently in place prior to the local government elections on 22 May 2014

2.3 The 1972 Act requires a councillor to serve on the Chief Executive of their council, a declaration of acceptance of office before they can act in the capacity of councillor. This declaration includes an undertaking that the councillor has read and will observe the Code (as revised from time to time).

2.4 The 2014 Act requires that a person who is not an elected person, but who becomes a member of any committee of a council, may not act as such unless they have given a written undertaking to the Chief Executive of the council and, in the case of a joint committee, to each of the Chief Executives of the councils constituting the committee. This includes an undertaking that they have read and will observe the Code (as revised from time to time).

2.5 In summary, the Code applies to the following persons-

(a) any person who is elected to office within a council,

(b) any person chosen under section 11(4b) of the Electoral Law Act (Northern Ireland) 1962 to fill a casual vacancy,

(c) any person treated as a non-voting member by section 17 of the 2014 Act, and

(d) any person who is not an elected representative as mentioned in section 28(4) of the 2014 Act.

Throughout the Code, where the term "councillor" is used, it shall refer to those persons mentioned in sub-paragraphs (a) to (d) above.

2.6 <u>As a councillor, it is your responsibility to make sure that you are familiar with the provisions of the Code and that you comply with those provisions.</u>

When does the Code apply?

2.7 You must observe the Code:

(a) whenever you conduct the business, or are present at a meeting, of your council;

(b) whenever you act, claim to act or give the impression you are acting in the role of a councillor; and

(c) whenever you act, claim to act or give the impression you are acting as a representative of your council.

2.8 You must also observe the Code if you are appointed or nominated to represent your council on another body **unless:**

(a) that body has its own code of conduct relating to its members, in which case you must observe that code of conduct; or

(b) compliance with the Code conflicts with any other lawful obligations to which that body may be subject. (You must draw such conflict to the attention of your council and to the other body as soon as it becomes apparent to you.)

2.9 In addition to the circumstances stipulated in paragraphs 2.7 and 2.8, you must observe the Code at all times in relation to:

(a) conduct which could reasonably be regarded as bringing your position as councillor or your council into disrepute (including such conduct that relates to your appointment to another body, even if that appointment did not arise from your position as a councillor);

(b) conduct relating to the procuring, advocating or encouraging of any action contrary to the Code;

(c) conduct relating to the improper use, or attempted use, of your position to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage; and

(d) conduct relating to the use, or the authorisation of the use by others, of the resources of your council.

Enforcement of the Code

2.10 The 2014 Act gives the Northern Ireland Ombudsman, in his capacity as the Northern Ireland Commissioner for Complaints (the Commissioner), responsibility for the operation of the enforcing mechanisms of this Code. The 2014 Act extends the functions of the Commissioner's Office to include the investigation of, and adjudication on, alleged failure to comply with the Code.

2.11 The Commissioner may investigate written complaints from any person that a councillor (or former councillor) has failed, or may have failed, to comply with the Code. The Commissioner may also investigate cases of alleged failure to comply with the Code which come to his attention as a result of an investigation of a written complaint.

2.12 Where the Commissioner, having undertaken an investigation, determines that he should make an adjudication on the matters investigated, he will decide whether or not there has been a failure to comply with the Code. Where the Commissioner decides that there has been such a failure, he will decide whether no action should be taken or whether he should-

(a) censure the person found to have failed to comply with the Code;

(b) suspend, or partially suspend, the person from being a councillor for a period of up to one year; or

(c) disqualify the person for being, or becoming, a councillor for a period of up to five years.

3. PRINCIPLES OF CONDUCT

3.1 The Code is based on 12 principles of conduct (the Principles), which are intended to promote the highest possible standards of behaviour for councillors. The Principles draw on the seven principles of conduct that the Committee on Standards in Public Life believed ought to underpin public life[2], and the five further principles of conduct that have been adopted by the Northern Ireland Assembly. As a councillor, you must observe these Principles.

3.2 The rules of conduct set out in the Code (the Rules) are the specific application of the Principles. Your compliance with the Rules, which is required under the Code, will help you meet the high standards of conduct promoted by the Principles.

[2] Committee on Standards in Public Life, Members of Parliament, ministers, civil servants and quangos (First Report) May 1995

3.3 The 12 principles of conduct are:

Public Duty

You have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in you.

You have a general duty to act in the interests of the community as a whole.

You have a special duty to your constituents and are responsible to the electorate who are the final arbiter of your conduct as a public representative.

Selflessness

You should act in the public interest at all times and you should take decisions solely in terms of the public interest. You should not act in order to gain financial or other material benefits for yourself, your family, friends or associates.

Integrity

You should not place yourself under any financial or other obligation to outside individuals or organisations, which might reasonably be thought by others to influence you in the performance of your duties as a councillor.

Objectivity

In carrying out council business, including considering public appointments, awarding contracts or recommending individuals for rewards and benefits, you should make choices on merit.

Accountability

You are accountable to the public for your decisions and actions and for the way that you carry out your responsibilities as a councillor and must submit yourself to whatever scrutiny is appropriate to your responsibilities.

Openness

You should be as open as possible about the decisions and actions that you take. You should give reasons for your decisions when required and restrict information only when the wider public interest clearly demands it.

Honesty

You should act honestly. You have a duty to declare any private interests relating to your public duties. You should take steps to resolve any conflicts between your private interests and public duties at once and in a way that protects the public interest.

Leadership

You should promote and support these principles by leadership and example in order to establish and maintain the trust and confidence of your constituents, and to ensure the integrity of your council and its councillors in conducting business.

Equality

You should promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependants.

Promoting Good Relations

You should act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow and that seeks to promote a culture of respect, equity and trust and embrace diversity in all its forms.

Respect

It is acknowledged that the exchange of ideas and opinions on policies may be robust but this should be kept in context and not extend to individuals being subjected to unreasonable and excessive personal attack. You should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, councillors and councils. You should therefore show respect and consideration for others at all times

Good Working Relationships

Between councillors – you should work responsibly with other councillors for the benefit of the whole community. You must treat other councillors with courtesy and respect. You must abide by your council's standing orders and should promote an effective working environment within your council.

Between councillors and council employees - The relationship between councillors and employees must at all times be professional, courteous and based on mutual respect. You should show respect and consideration for council employees at all times and ensure that your actions do not compromise their impartiality.

4. RULES OF GENERAL CONDUCT

Your obligations as a councillor

4.1 Councillors hold public office under the law and must act:

(a) lawfully;

(b) in accordance with the Code; and

(c) in accordance with the standing orders of your council.

4.2 You must not conduct yourself in a manner which could reasonably be regarded as bringing your position as a councillor, or your council, into disrepute.

4.3 You must review regularly (at least annually and when your particular circumstances change) your personal circumstances and to take steps to mitigate any conflict of interest in relation to your functions as a councillor. Such conflict may arise as a result of circumstances such as a change of business interests, a change in direct or indirect pecuniary interests required to be declared under section 28 of the 1972 Act or involvement on a new committee.

4.4 You must report, either through your council's own reporting procedure or directly to the proper authority, any conduct by any other person which you believe involves, or is likely to involve, criminal behaviour.

4.5 You must not, at any time, whether in the course of your duties as a councillor or in private, procure, advocate or encourage any action contrary to the Code.

4.6 You must comply with any request of the Commissioner in connection with an investigation conducted in accordance with the Commissioner's statutory powers.

4.7 You must not make vexatious, malicious or frivolous complaints against other councillors or anyone who works for, or on behalf of, your council.

4.8 You must maintain and strengthen the public trust and confidence in the integrity of your council. You must promote and support the Code at all times and encourage other councillors to follow your example.

4.9 You must co-operate with your council with regard to providing the necessary information to be included in the annual accounts of the council.

4.10 You must assist your council to act, as far as possible, in the interests of the whole community. Although individuals are entitled to pursue their own personal concerns about local issues, you must not represent their views over the wider public interests.

4.11 You must ensure that you are aware of your council's responsibilities under equality legislation, and that you are familiar with the relevant legislative statutes and provisions, in particular, with the obligations set out in your council's equality scheme.

This will enable you to have due regard to the need to promote equality of opportunity on grounds of age, marital status, disability, political opinion, race, religious belief, sex, sexual orientation, and whether or not people have dependants; and to have regard to the desirability of promoting good relations between people of different racial groups, religious belief or political opinion.

4.12 You are entitled to legally express any political opinion that you hold. In doing so, however, you should have regard to the Principles of Conduct and should not express opinions in a manner that is manifestly in conflict with the Principles of Conduct.

Behaviour towards other people

4.13 You must:

(a) show respect and consideration for others;

(b) not use bullying behaviour or harass any person; and

(c) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your council.

4.14 You must work responsibly and with respect, with others and with employees of councils. The "Protocol for Relations between Councillors and Employees in Northern Ireland District Councils[3]", which is included as Appendix 3 in the Code of Conduct for Local Government Employees, is available on the Local Government Staff Commission's website **http://www.lgsc.org.uk/fs/doc/publications/EMPLOYEE_CODE_FEBRUARY_2004.doc**

[3] The Department notes this Protocol is being reviewed and will update this reference to any revised version.

Disclosure of information

4.15 You must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required to do so by law.

Use of your position

4.16 You must not:

(a) use, or attempt to use, your position improperly to confer on, or secure, an advantage for yourself or any other person;

(b) use, or attempt to use, your position improperly to seek preferential treatment for yourself or any other person; or

(c) use, or attempt to use, your position improperly to avoid a disadvantage for yourself or any other person, or to create a disadvantage for any other person.

These provisions apply both to your actions in your official capacity, including as a member of a body to which you are appointed by the council, and to any dealings you may have with the council on a personal level (for example, as a council ratepayer, tenant, or recipient of a council service or as an applicant for a licence or consent granted by the council).

4.17 You must avoid any action which could lead members of the public to believe that preferential treatment is being sought.

Use of council resources

4.18 You must not use, or authorise others to use, the resources of your council:

(a) imprudently;

(b) in breach of your council's requirements;

(c) unlawfully;

(d) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of your council or of the office to which you have been elected or appointed;

(e) improperly for political purposes; or

(f) improperly for private purposes.

Expenses and allowances

4.19 You must observe the law and your council's rules governing the claiming of expenses and allowances in connection with your duties as a councillor

Acceptance and registration of gifts and hospitality

4.20 You must:

(a) in accordance with any standing orders of your council and within 28 days of receipt of any gift, hospitality, material benefit or service, which is above a value specified in a resolution of your council, provide written notification to your chief executive of the existence and nature of that gift, hospitality, material benefit or service;

(b) not accept from anyone gifts, hospitality, material benefits or services for yourself or any other person, which might place you, or reasonably appear to place you, under an improper obligation; and

(c) discourage gifts and offers of hospitality to any family members which might place you, or reasonably appear to place you, under an improper obligation.

5. RULES RELATING TO THE REGISTRATION OF INTERESTS

The role of the Chief Executive

5.1 Section 62 of the 2014 Act requires every Chief Executive to ensure that their council has established and maintains a register of member's interests. The Code recommends that a register for gifts and hospitality should also be established and maintained and that procedures are in place for dealing with relevant declarations of interests.

Interests

5.2 Subject to paragraphs 5.4 and 5.6, you must, within 28 days of your election or appointment to office (if that is later), register your **personal interests (both financial and otherwise)** where they fall within a category mentioned below, in your council's register by providing written notification to your Chief Executive.

Categories of interests

a) any employment or business carried on by you;
b) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated or non-remunerated director;
c) any person, other than your council, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a councillor;
d) any corporate body which has a place of business or land within your council's district, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
e) any contract for goods, services or works made between your council and you or a firm in which you are a partner, an unincorporated body (i.e. Industrial & Provident Society), a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (d) above;

f) any land in which you have a beneficial interest and which is within your council's district;

g) any land where the landlord is your council and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (d) above;

h) any body to which you have been elected, appointed or nominated by your council;

i) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, industrial and provident society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your council's district,

in which you have membership or hold a position of general control or management; and

j) any land within your council's district in which you have a licence (alone or jointly with others) to occupy for 28 days or longer.

Registration of financial and other interests and memberships and management positions

5.3 You must, within 28 days of becoming aware of any interest that falls within a category mentioned in paragraph 5.2 or any change to an interest already registered, register that interest or change by providing written notification to your Chief Executive.

Sensitive information

5.4 Where you consider that the information relating to any of your personal interests is sensitive information, and your Chief Executive agrees, you need not include that sensitive information when registering that interest or, as the case may be, a change to the interest.

5.5 In the Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

5.6 You must, within 28 days of becoming aware of any change of circumstances which means that sensitive information previously excluded from your council's register of members interests due to it being sensitive is no longer sensitive, notify your Chief Executive asking that the information be included in the register.

6. RULES RELATING TO THE DISCLOSURE AND DECLARATION OF INTERESTS

Pecuniary interest

6.1 Section 28 of the 1972 Act requires you to declare any pecuniary interest, direct or indirect, that you may have in any matter coming before any meeting of your council. Such interests will be recorded in the register kept by your council for this purpose.

6.2 You must 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.

Private or personal non-pecuniary interest

6.3 You must also declare any significant private or personal non-pecuniary interest in a matter arising at a council meeting. In addition to those areas set out in paragraph 5.2, an interest will also 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. Any sensitive information mentioned in paragraphs 5.4 to 5.6 is not required to be given.

6.4 You must declare any significant private or personal non-pecuniary interests in a matter as soon as it becomes apparent. You must then withdraw from any council meeting (including committee or sub-committee meeting) when the matter is being discussed. It is your own personal responsibility to determine, having regard to council advice and guidance, whether you have any such interest.

Dispensations

6.5 In exceptional circumstances, you may be able to get a dispensation to speak and vote at a council meeting in spite of a pecuniary interest. The Department may grant such a dispensation under section 29 of the 1972 Act.

6.6 On occasions, you may feel that it would be to your council's benefit if you were to remain in a council meeting when a matter in which you have a significant private or personal non-pecuniary interest is to be debated. Before doing so, you must 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

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

6.7 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 must declare that decision and your reasons for doing so.

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

6.9 It would, however, be appropriate for you to remain at a council 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 must 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.

6.10 Section 30 of the 1972 Act requires you to disclose to the council, in writing, any relevant family relationship, as set out in paragraph (6) of that section, known to exist between you and any person you know either holds, or is a candidate for appointment to, any office in the council.

6.11 The requirement to make your relevant interests known on matters, in council and committee meetings, also applies in your dealings with council employees and in your unofficial relations with fellow councillors.

7. RULES RELATING TO LOBBYING AND ACCESS TO COUNCILLORS

7.1 In order for a council to fulfil its commitment to being open, accessible, and responsive to the needs of the public, it should encourage appropriate participation by organisations and individuals in the decision-making process. Clearly, however, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure transparency and probity in the way in which the council conducts its business.

7.2 As a councillor you will need to be able to consider evidence and arguments advanced by a wide range of organisations and individuals in order to perform your duties effectively. Some of these organisations and individuals will make their views known directly to individual councillors or council committees. The rules in this Code set out how you should conduct yourself in your contacts with those who seek to influence you.

7.3 You may be lobbied by a wide range of people including individuals, organisations, companies and developers. As a general rule, it is an essential element of the democratic system that any individual should be able to lobby the council or a councillor.

Rules of Conduct regarding lobbying

7.4 If you are lobbied on matters such as applications made under regulatory powers or matters of a quasi-judicial nature, such as the determination of certain licence applications, and you will have a role in the council's decision on that matter, you must:

(a) make it clear that you are not in a position to lend support for or against any such application; and

(b) direct any such representations, to the appropriate department of the council.

This does not prevent you from seeking factual information about the progress of the case.

7.5 If you are asked to decide on such matters, you must not:

(a) organise support for a particular recommendation on the matter;

(b) organise opposition to a particular recommendation on the matter;

(c) lobby other councillors about the matter;

(d) comply with political group decisions on the matter where these differ from your own views; or

(e) act as an advocate to promote a particular recommendation in relation to the matter.

7.6 Paragraphs 7.4 and 7.5 also apply in relation to individual staffing matters such as the appointment or discipline of employees.

8. RULES RELATING TO DECISION-MAKING

8.1 When participating in meetings or reaching decisions regarding the business of your council, you must:

(a) do so objectively, on the basis of the merits of the circumstances involved, and in the public interest;

(b) have regard to any relevant advice provided by your council's officers, in particular, by the chief executive, the chief financial officer (where appropriate) or the council's legal advisers;.

(c) take into account only relevant and material considerations and discount any irrelevant or immaterial considerations;

(d) give reasons for your decisions, when required to do so, in the interests of fairness, openness and accountability and in accordance with any statutory requirements;.

(e) act in accordance with any relevant statutory criteria;

(f) act fairly and be seen to act fairly;

(g) ensure that all parties involved in the process are given a fair hearing (insofar as your role in the decision making process allows);

(h) not prejudge or demonstrate bias, or be seen to prejudge or demonstrate bias, in respect of any decision;

(i) not organise support for, or opposition against, a particular recommendation on the matter being considered;

(j) not lobby other councillors on the matter being considered;

(k) not comply with political group decisions on the matter being considered, where these differ from your own views; and

(l) not act as an advocate to promote a particular recommendation in relation to the matter being considered.

9. APPLICATION OF THE CODE OF CONDUCT WITH REGARD TO PLANNING MATTERS

9.1 The following section relates to the application of the Code of Conduct in relation to planning matters. This section should be applied in conjunction with the Principles and Rules of the Code.

9.2 Care must be taken when dealing with planning matters. All councillors will have contact with planning issues, either as advocates for or against planning applications, as members of the planning committee, or as members of the full council. Your specific role will vary depending on whether you are on a planning committee or not.

9.3 Your role as a councillor is to represent the views and aspirations of your community through development of the local development plan, discussions with developers and council planning officers or deciding on planning applications. This Code (and any associated guidance) is intended to assist you in balancing the interests of developers and interest groups with taking planning decisions, by applying your local knowledge and the advice and guidance of planning officers, in a fair, impartial and transparent way, for the benefit of the whole community. This Code applies to councillors at all times when involving themselves in the planning process, including taking part in the decision-making meetings of the council or when involved in less formal occasions, such as meetings with officers or the public. It applies equally to local plan development and planning enforcement as it does to planning applications.

Development management

9.4 As a councillor your involvement in the development management process is crucial. Whether you sit on a planning committee or not, you can encourage developers and others to engage with the council and residents in the planning process. It is important that you represent the needs of your community in discussions with developers. Lobbying is therefore a normal and perfectly proper part of the political process.

9.5 However, particular considerations apply if you are a member of the decision-making planning committee, as lobbying can lead to the impartiality and integrity of a councillor being called into question. Given that a decision on a planning application cannot be made before the planning committee meeting has been held, when all relevant information relating to the application is available and has been considered, you must not make public statements about a pending decision or state your intention to vote in a particular way before the committee meeting has taken place. However, other councillors who are not part of the decision-making process can make representations and address the relevant committee

9.6 It is entirely appropriate for councillors, including those who will have a decision-making responsibility, to make known to planning officers what representations from constituents and prospective developers they have received on a planning application, to attend public meetings/events and to assist constituents in making their views known to the relevant planning officer. While planning committee members are free to attend public meetings/events they must not express a 'for' or 'against' view by advocating a position in advance of the decision-making. meeting.

9.7 If you are a member of the planning committee and an approach is made to you by an applicant, agent or other interested party in relation to an existing or proposed planning application, you should restrict yourself to either giving procedural advice (e.g. advising those who are lobbying that they should contact the relevant planning officer so their opinions can be included in the officer's report to the committee) or advise them to write or speak to a member who is not on the planning committee. This does not mean that members who are on planning committees should not listen to the views the lobbyist wishes to express.

9.8 If, however, as a planning committee member, you decide you cannot remain impartial and wish to make representations on behalf of constituents or other parties, you may attend a committee meeting and make representations, after which you must leave the room while the members consider it and not take part in the voting.

Decisions contrary to officer recommendation

9.9 You must not seek to apply undue pressure towards planning officers to provide a particular recommendation on any planning decision. If you propose, second or support a decision contrary to an officer's recommendation, you must only do so on the basis of sound planning considerations which must fairly and reasonably relate to the application concerned. These considerations include planning policy, landscaping, impact on the neighbourhood, planning history, etc.

Decisions contrary to the local development plan

9.10 If you propose, second or support a decision contrary to the development plan, you must only do so on the basis of sound planning considerations, which must fairly and reasonably relate to the application concerned, and you must clearly demonstrate how these considerations justify overruling the development plan.

Policy and strategic issues

9.11 Councillors have a vital role in facilitating engagement with their communities in the production of planning policy by encouraging them to express their views on the plan-making process. In your key role in establishing planning policies for the area, you are fully entitled to express your views or advocate proposals for the making, approval or amendment of the development plan, including supplementary planning guidance published by the council.

9.12 Planning legislation requires councillors of a council to determine all planning applications in accordance with the development plan, unless material considerations indicate otherwise. You must undertake this responsibility without undue influence or personal interest.

Other interests

9.13 If you have substantial land, property or other interests which would prevent you from voting on a regular basis, you must not sit on a decision-making committee that deals with planning applications.

9.14 You must not act on behalf of, or as an agent for, an applicant for planning permission with the council other than in the course of your professional role which you have registered.

9.15 You must not take any further part in the development management process following submission of an application for yourself or for a family member, friend or close personal associate. You have the same rights to explain your proposal to an officer but you must not seek to improperly influence the decision.

9.16 If you work as a lobbyist for a developer, you must declare this as an interest and you should not then be involved in any decision-making process relating to or potentially affecting that developer.

Unauthorised development

9.17 If you are made aware of an unauthorised development and you refer the matter to the council for possible enforcement action, you must advise all subsequent inquirers to deal directly with the relevant department/officer, and you should not lobby for a particular outcome. This does not prevent you from seeking factual information about the progress of the case.

9.18 Where you have an interest in the outcome of a planning committee decision on enforcement action, you must disclose that interest and not take part in, or seek to influence, the decision.

Annex A

SOURCES OF GUIDANCE RELATING TO THE CODE

The Northern Ireland Commissioner for Complaints	**Equality Commission for Northern Ireland**
Telephone : 028 902 33821 **OR** **Text phone** : 028 908 97789 **OR** **Email** : **ombudsman@ni-ombudsman.org.uk** **OR** **Via Post** The Ombudsman Freepost BEL 1478 Belfast BT1 6BR **OR** The Ombudsman 33 Wellington Place Belfast BT1 6HN	**Equality House** **7 - 9 Shaftesbury Square** **Belfast** **BT2 7DP** **Telephone :** 028 90 500 600 **Textphone :** 028 90 500 589 **Fax :** 028 90 248 687 **Email : information@equalityni.org** **Website: www.equalityni.org**
The Department of the Environment Local Government Policy Division 1 Causeway Exchange 1-7 Bedford Street Town Parks Belfast, BT2 7EG. **Website: www.doeni.gov.uk** **E-mail: LGPD@doeni.gov.uk** **Textphone 028 905 40642**	

Annex B

GLOSSARY

In this Code:

"**the 1972 Act**" means the Local Government Act (Northern Ireland) 1972;

"**the 2014 Act**" means the Local Government Act (Northern Ireland) 2014;

"**Councillor**" for the purposes of this Code means-

(a) any person who is elected to office within a council,
(b) any person chosen under section 11(4b) of the Electoral Law Act (Northern Ireland) 1962 to fill a casual vacancy,
(c) any person treated as a non-voting member by section 21 of the 2014 Act, and
(d) any person who is not an elected representative as mentioned in section 32(4) of the 2014 Act;

"**council**" means the council of a local government district established in accordance with the Local Government (Boundaries) Act (Northern Ireland) 2008[4];

"**Chief Executive**", means a person appointed as clerk of a council; and

"**meeting**" means any meeting—

(a) of the relevant council or of a committee or sub-committee of the relevant council,
(b) of the executive of the relevant council or of a committee or sub-committee of the executive of the relevant council,
(c) of a joint committee or sub-committee of a joint committee which includes the relevant council, or

(d) where members or officers of the relevant council are present, including circumstances where a member of an executive or officer of the council, acting alone exercises a function of the council.

[4] Until 31 March 2015, "council" shall also include those councils in place prior to the Local Government Elections of 22 May 2014 and the Code shall apply to the councillors of those councils.

Annex C

SANCTIONS APPLIED BY THE COMMISSIONER

Under section 62(3) of the Local Government Act (Northern Ireland) 2014, where the Commissioner decides that a person has failed to comply with the Code, the Commissioner must decide whether no action should be taken or whether the nature of the failure is such that the Commissioner should-

a. censure the person in such terms as the Commissioner thinks appropriate;

b. suspend or partially suspend the person from being a councillor for such a period, and in the way, as the Commissioner thinks appropriate. However, that period shall not exceed one year or, if shorter, the remainder of the person's term of office; or

c. disqualify the person for being, or becoming (whether by election or otherwise) a councillor, for such a period as the Commissioner thinks appropriate but not exceeding five years.