

**AGENDA ITEM NO.12**

**COUNCIL**

**Date**            **10 MAY 2012**

**Title**            **NEW STANDARDS FRAMEWORK**

**1. PURPOSE/SUMMARY**

To advise members of the new framework in relation to member standards under the Localism Act 2011 and obtain members agreement for the proposed arrangements.

**2. KEY ISSUES**

- The Localism Act 2011 provides for the abolition of the current member standards framework, including the abolition of Standards for England, the removal of the National Code of Conduct for Members and the required processes for standards complaints.
- Standards for England was abolished on the 31 March 2011; although no formal date has been set for the abolition of the existing local frameworks the Department for Communities and Local Government has indicated that this will be the 1 July 2011.
- Until the 30 June 2011 the current rules have full force and effect.
- The new framework established by the Localism Act has a number of requirements, detailed within the report, to ensure the continuance of good governance and member conduct, yet represents a 'lighter touch' approach in overall terms.
- Adoption of this report will ensure that the authority is ready to implement the new arrangements from 1 July, subject to any further guidance from Government on transitional provisions.
- There are certain aspects of the new requirements within the Localism Act 2011 for which further guidance/regulations are awaited. Any further updates, including any Constitutional amendments, will be brought before Council in July if necessary.

**3. RECOMMENDATION(S)**

1. Members endorse the draft conduct procedures and local code of conduct for Members.
2. Members authorise the Monitoring Officer in consultation with Group Leaders to revise the draft conduct procedures and local code of conduct for Members in light of regulations to be published bringing forward the provisions of the Localism Act 2011; provided that such final versions are reported to the next meeting of Full Council after adoption.
3. That Council authorises the Monitoring Officer to form a Conduct Committee and commence a process for the recruitment of one or more 'Independent Persons' as

- outlined in this report, with any required Constitutional amendments and approval of appointments to be brought before Council in July, or as necessary.
4. That the Monitoring Officer is asked to take all necessary steps to establish an updated register of Members' interests in line with the new regulations, and to ensure that councillors are made aware of any changes to registration and declaration of interests.
  5. That training and awareness sessions are held for Members (including Town and Parish Members) regarding the new arrangements.

<b>Wards Affected</b>	All
<b>Forward Plan Reference No.</b> (if applicable)	7/April 2012
<b>Portfolio Holder(s)</b>	Councillor Alan Melton, Leader
<b>Report Originator</b>	Ian Hunt, Chief Solicitor
<b>Contact Officer(s)</b>	Ian Hunt, Chief Solicitor Alan Pain, Corporate Director and Monitoring Officer
<b>Background Paper(s)</b>	Localism Act 2011

## **1. BACKGROUND/INTRODUCTION**

The Localism Act 2011 provides for a significant change to the management of member standards and the replacement of the current standards frameworks. The final date for implementation has yet to be set, and there are key regulations still awaited. However the Department for Communities and Local Government has indicated that the new framework will be implemented from the 1 July 2011.

The Localism Act provides that:

- Standards for England was abolished on the 31 March 2011
- The national Code of Conduct for Members will be abolished
- The requirement to have a Standards Committee following national frameworks for complaint handling will be abolished.
- The current sanctions for breaches of the code of conduct will be removed.

At present we do not have any transitional provisions and, therefore, it is unclear what will happen to any complaints still being assessed under the current framework; and any sanctions which are still in force at the date of the introduction of the new framework.

The Localism Act sets up a number of new replacement statutory obligations on the Council:

- We must adopt our own Code of Conduct which complies with the 7 principals of public life
- We must have a framework for receiving, investigating and determining complaints that members have breached the code of conduct
- The Council remains responsible for considering complaints against Parish Council members.
- The Council must appoint at least one Independent Person to advise the Council in relation to its Code of Conduct
- The Code is to include new provisions about pecuniary interests which will carry criminal penalties for failure to comply, although the information regarding what constitutes a 'disclosable pecuniary interest' is to be defined in Regulations not yet released
- We must maintain a public register of member interests which is published on the Council website; this will include the interests of a members spouse or partner.

## **2. FORM OF THE CODE OF CONDUCT**

Consideration has been given to the form of the Code of Conduct. The Code must comply with the 7 principals set out in the legislation, namely: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

In order to simplify the transition to the new scheme and in order to ensure high standards of member conduct are maintained it is recommended that the attached draft code of conduct which is based on the existing code is adopted.

The Council is obliged to keep this under review; given that there is no clear national consensus on the best models for codes of conduct this approach seems sensible at the present time, however, it can be reviewed at any point in the future.

## **3. REGISTRATION AND DECLARATION OF INTERESTS**

The current provisions for registration of interests are to be replaced. It is not clear what this will mean in practice, as the detail will be contained in regulations not yet available. The Monitoring Officer will be required to establish a register of members' interests. The register must contain 'Disclosable pecuniary interests' (DPI's) – which are likely to be those associated with financial matters - and may also contain;

- Non-Disclosable pecuniary interests; and
- Non-pecuniary interests.

Although reference is made to the full range of interests in the draft Code the final format of the Code will be determined and recommended to Council once the Regulation and/or any guidance is produced in relation to the DPI's.

Failure to register a Disclosable pecuniary interest, failure to register within 28 days of election or co-option, or the provision of misleading information on registration without reasonable excuse, will be criminal offences, potentially carrying a scale 5 fine (£5,000) and/or disqualification from being a councillor for up to five years. A decision whether to prosecute would be made by the Director of Public Prosecutions.

It will not be open to the Council to investigate or sanction members for any breach of these requirements and if complaints are received which relate to this they will be passed to the Police for investigation and determination.

A member with a Disclosable pecuniary interest may not participate in discussion about a matter to which the interest relates, and may not vote, but is not obliged to leave the meeting room. However, it may be considered good practice to leave and views will be sought on a preferred approach by the Monitoring Officer.

#### **4. DETERMINATION OF CONDUCT COMPLAINTS**

Whilst there is no requirement to have a 'Standards Committee' in its current form, the Council must have a process for determining complaints against members, both of the Council and Town and Parish Councils. It is recommended that a Committee is formed to fulfil this role. The voting members of this committee will be made up of members of Fenland District Council.

Having considered the potential work required to assess complaints and determine the outcome of any investigation it is, however, recommended that this be dealt within a separate Committee rather than combining this with the work of another committee. This also gives the Committee the opportunity to forge a working relationship with the newly appointed Independent person.

It is recommended that a new committee called the Conduct Committee be formed with 5 members of the Council; with the scope to appoint an additional two non voting Town or Parish representatives, such appointment to be at the committees discretion.

Whatever its format, any such committee will be governed by political proportionality (i.e. the political membership will have to reflect the political make up of full Council), under current arrangements a committee of 5 would not have an opposition presence; however, as a local protocol the Leader has agreed that he will appoint at least one representative on the committee from the opposition. The Chair of the committee will, therefore, be a member of the Council and not an independent member as under the current Standards Committee. The new role of the independent persons is yet to be finalised but it is clear that they will not be members of the Committee.

The Act does not give the Council or its Standards Committee any powers to impose formal sanctions for breach of the Code, such as suspension or requirements for training or an apology. So, where a failure to comply with the Code of Conduct is found, the range of actions which the authority can take in respect of the member is limited. Principally this will be censure; or a recommendation that training be undertaken. It may be open to the Council to remove a member from a committee, although this would require the co-operation of the political group to which the member belongs, as the Council is obliged to make committee appointments in accordance with the wishes of each political group.

Draft procedures are attached for the agreement of Council; the process has been written to be more flexible than the current arrangements and to ensure that there are safeguards for members who are subject to allegations. For example a key change will be the opportunity for an initial right to reply at the first assessment of complaint stage prior to investigation. In addition the process clearly indicates that the process is to have regard to the costs and proportionality of actions when considering and managing complaints.

## **5. INDEPENDENT PERSONS**

The Council will be required to appoint one or more "Independent Persons". This is not the same role as the independent members who chair the current Standards Committee.

The independent person (IP) has three main functions:

- The IP must be consulted and their views taken into account before the Council makes a decision on any allegation it has decided to investigate (i.e. at hearing stage).
- The IP may be consulted by the Council in other circumstances related to "standards" issues; e.g. at the point at which a complaint is received, or more generally regarding ethical issues.
- The IP may be consulted by a member of the authority against whom an allegation has been made.

This last role could give rise to a conflict of interest if, for instance, the Monitoring Officer has already consulted, or needs to consult, the independent person. It is considered prudent, therefore, to appoint more than one independent person.

The independent persons will not be paid a members allowance, although a provision is included for them to receive some remuneration for their role. Early indications are that most councils will be paying an annual retention fee.

The Act was written to exclude existing independent members of the Standards Committee being appointed in the new role of independent person. However, recent indications from the Department of Communities and Local Government are that transitional provisions may allow existing independent members to hold this appointment during the first year of the new arrangements. Any such appointments, however, will be subject to a recruitment process and approval of Council.

It is recommended that the Monitoring Officer be delegated the ability to conduct a recruitment exercise on behalf of the Council; with the final appointment being a matter for full Council.

## **6. TOWN AND PARISH COUNCILS**

Following the approval of the principals contained in this report full communication will be undertaken with Towns and Parish Councils in order to ensure they are aware of their obligations under the Localism Act 2011 with respect of the Standards framework and the role which we will be undertaking under these arrangements.

## **7. CONCLUSIONS**

Whilst there is some uncertainty at present as to the final implementation date, detailed regulations and transitional provisions it is clear that the Localism Act 2011 will represent a significant change in the way that member conduct is managed.

The current regime will be removed and replaced with a locally determined and managed framework. This gives the Council flexibility in the way that this is handled encouraging a proportionate and flexible approach.

Members are recommended to agree the recommendations in this report to facilitate the adoption of relevant provisions on the 1 July 2011; or any other appointed date under the relevant regulations.

Officers are committed to communicating with members the detail of the regulations when these are available and full training on Disclosable Interests will be given.

**ATTACHED TO THIS REPORT:**

**APPENDIX A: Conduct Committee Procedures**

**APPENDIX B: Members Code of Conduct**

## Conduct Committee Procedures

### 1. Introduction

- 1.1. These procedures govern the working practices of the Conduct Committee when considering conduct matters of Councillors of both Fenland District Council and the Town and Parish Councils within the Fenland Area.
- 1.2. The Conduct Committee performs the functions set out in Part 1 Chapter 7 of the Localism Act 2011.
- 1.3. Members of Fenland District Council are obliged to follow the Code of Conduct detailed in Part 5 of the Councils Constitution. Each Town or Parish Council is required to adopt their own Code of Conduct and copies can be obtained either from their own websites or the Town or Parish Clerk.

### 2. Definitions

- 2.1. The following definitions apply to this Procedure:

Pecuniary Interests      Shall be a “Disclosable Pecuniary Interest” as defined in the regulations [To be advised]

### 3. Conduct Committee

- 3.1. The Conduct Committee is comprised of 5 members of Fenland District Council, all members have equal speaking and voting rights.
- 3.2. The Committee is joined by 2 members selected from Town and Parish Councils, they are co-opted on to the committee by the committee. These members are invited to speak and take part in the debate but do not have a right to vote.
- 3.3. The Committee is advised by an Independent Person or their deputy. They are appointed by the Council on an annual basis, prior to their first appointment this will be following an open advert. The Independent Person shall be appointed in line with the requirements of the Localism Act 2011.
- 3.4. The Independent Person does not sit on the committee and does not have a right to join the debate or vote. However when exercising their functions the Committee must have regard to the advice of the Independent Person.

- 3.5. The Committee is governed by the Quorum rules set out in standing order 7. However Town and Parish Members and the Independent Person do not count for the purposes of establishing Quorum.

#### **4. Functions of the Conduct Committee**

- 4.1. The Conduct Committee is primarily charged with monitoring and managing the Councils responsibilities under Chapter 7 of Part 1 of the Localism Act 2011, in respect of Member Standards.
- 4.2. The Committee Shall:
- 4.2.1. Monitor the Code of Conduct and make recommendations to Full Council where it considers that changes are required.
- 4.2.2. Provide guidance to Members on the Code of Conduct
- 4.2.3. Determine Complaints made against members under the Code of Conduct
- 4.2.4. Monitor the Register of Members Interests and report to Full Council if any changes are required as to its contents.
- 4.2.5. Determine requests for dispensations

#### **5. Complaints**

- 5.1. Fenland District Council is the responsible authority for receiving and determining complaints against Councillor Conduct for both District Councillors, and the Town and Parish Councillors within the District.
- 5.2. Receipt of Complaints
- 5.2.1. All complaints about Councillor Conduct should be forwarded to the Monitoring Officer at Fenland Hall, County Road, March, Cambridgeshire, PE15 8NQ, or by email on [monitoringofficer@fenland.gov.uk](mailto:monitoringofficer@fenland.gov.uk).
- 5.2.2. All complaints will be acknowledged in writing, where the complaint is unclear or does not relate to a serving Councillor under the jurisdiction of the Conduct Committee then the complaint will be declined by the Monitoring Officer.
- 5.2.3. Where the Complaint relates to a failure to act appropriately in respect of a Pecuniary Interest, this may be a criminal offence under the terms of section 34 of the Localism Act 2011.
- 5.2.4. If the Complaint relates to a failure to register an interest and the Monitoring Officer is in a position to confirm that the interest is registered they will do this. Otherwise the matter will be referred to Cambridgeshire Constabulary in the first instance as they have appropriate jurisdiction. The Complainant will be informed of the referral.



5.2.5. In all other cases the Monitoring Officer will contact the subject member giving them 7 days to make an initial response to the complaint. In order to establish what if any facts are agreed and whether or not the Member accepts the Complaint.

### 5.3. Informal Resolution of Complaints

5.3.1. Where the Member accepts the complaint the Monitoring Officer will assess whether or not an informal resolution can be achieved between the Member and the Complainant. If informal resolution can be achieved then the complaint will not proceed further.

#### 5.3.2. Initial Consideration of Complaints

5.3.3. The Conduct Committee will having reviewed the Members initial response to the complaint or after the expiry of the 7 day period assess the complaint and determine whether or not there is a reasonable prospect of the complaint being proven based on the information held.

5.3.4. If it is determined that the complaint may disclose a breach of the Code of Conduct if proven additionally the following criteria will be assessed to determine whether or not the complaint merits investigation:

5.3.4.1. Has the Complaint already been investigated, or is it already the subject of investigation?

5.3.4.2. Is the Complaint more appropriately dealt with through another regulatory channel?

5.3.4.3. Is the complaint about something which happened so long ago that there would be little benefit in taking action now?

5.3.4.4. Is the complaint too trivial to warrant further action?

5.3.4.5. Does the complaint appear to be malicious or simply tit for tat?

5.3.5. Where it is considered that the complaint does not merit investigation then the decision will be reported to the Member and the Complainant.

5.3.6. The Conduct Committee may from time to time give directions and guidance to the Monitoring Officer to enable them to decline complaints in advance of a member meeting; guidelines may be given in respect of frivolous, vexatious or repeated complaints.

### 5.4. Investigation of Complaints

5.4.1. Where a matter is considered suitable for investigation it will be for the Monitoring Officer in consultation with the Chairman of the Conduct Committee and the Independent Person to determine the level of investigation required and the scope of the investigation.

5.4.2. All investigations will need to satisfy the following outcomes:

5.4.2.1. Proportionate

5.4.2.2. Timely

- 5.4.2.3. Conducted in accordance with accepted investigation protocols,
  - 5.4.2.4. Obtain relevant documents to establish background
  - 5.4.2.5. Give the complaint and the Member the right to put their case and respond to the information found.
- 5.4.3. In the event of a material change of circumstances the Monitoring Officer in consultation with the Chairman of the Conduct Committee may terminate the investigation and report this to the Conduct Committee. Examples of when this may be appropriate are as follows:
- 5.4.3.1. Compelling evidence is found showing the Member did not breach the Code of Conduct,
  - 5.4.3.2. The Member has resigned (or not been re-elected) from the relevant Council, Town or Parish Council,
  - 5.4.3.3. The Member is seriously ill, or
  - 5.4.3.4. The Member has died.
- 5.4.4. The Investigating Officer will be expected to give their view of the evidence and whether or not a breach of the Code of Conduct has occurred.
- 5.4.5. Once an investigation report is received by the Monitoring Officer they will assess the report and consider if it meets the above criteria. If the Monitoring Officer does not consider that this has been met they will ask the Investigating Officer to undertake further work or report the reason for their failure to conclude a full report.
- 5.4.6. Consideration of the Investigation Report
- 5.4.7. Where in the view of the Investigating Officer the Member has not breached the Code of Conduct then the Investigating Officers Report will be taken to the Conduct Committee for their notification.
- 5.4.8. In the event that the Investigating Officer believes there to be a breach of the Code of Conduct or where they have not been in a position to satisfy the tests in 5.4.2 the matter will be referred to the Conduct Committee for a Hearing.
- 5.4.9. Hearing Procedure
- 5.4.10. Prior to the hearing the Monitoring Officer will contact the Member and any relevant witnesses in order to arrange a date at a date and time which will enable attendance by all relevant parties.
- 5.4.11. If the Councillor is not present at the start of the hearing the Chairman shall ask the Monitoring Officer whether the Councillor or the Councillor's Representative has indicated their intention not to attend the hearing.
- 5.4.12. If the Councillor has indicated that they do not intend to be present the Conduct Committee shall consider if it is able to continue to hear the matter in their absence. The Committee shall have regard to the following factors:
- 5.4.12.1. Any reasons provided by the Councillor

- 5.4.12.2. Any representative or written representations present from the Councillor
- 5.4.12.3. The views of the Councillor as to whether the hearing should proceed
- 5.4.12.4. Any comments from the Monitoring Officer
- 5.4.13. If the Committee are satisfied that the hearing can proceed in the absence of the Councillor without being unreasonable then the hearing can proceed, however if this is not the case then the hearing should be adjourned to a later date.
- 5.4.14. A Member will be entitled to have a representative attend the hearing with them. This representative may be a solicitor or barrister, however no costs will be recoverable from Fenland District Council for any representative in attendance.
- 5.4.15. The Committee will hear the Investigating Officers report and any witnesses first, and the Member or their representative may ask any relevant questions of the Investigating Officer or their witnesses.
- 5.4.16. The Member will then have an opportunity to present their case including any witnesses, the Investigating Officer will have the right to question the Member or their witnesses.
- 5.4.17. At the conclusion of each sides case the Investigating Officer and then the Member will be given an opportunity to present a summary of their position to the Committee.
- 5.4.18. The Independent Person will be invited to provide their view of the Facts as presented and whether or not these represent a breach of the Code of Conduct.
- 5.4.19. Although no formal time limits will be imposed on the presentations the Chairman will have the right to curtail excessive presentations.
- 5.4.20. The Committee will then determine whether or not there has been a breach of the Code of Conduct and if appropriate what sanction to be imposed.
- 5.4.21. The Committee shall have the right to impose the following sanctions (either individually or in combination):
- 5.4.22. Formal Letter of reprimand,
- 5.4.23. Motion of censure at the Conduct Committee,
- 5.4.24. Recommendation to Full Council (or the Town or Parish Council) for a motion of Censure,
- 5.4.25. Formal request to the Members Group Leader for their removal from Committee(s),
- 5.4.26. Offer additional training for the member

- 5.4.27. Withdraw facilities (or recommend to the Town or Parish Council) that facilities such as computers, email, or internet access be suspended for a period of time.
- 5.4.28. Exclude (or recommend to the Town or Parish Council) the Member from the Council's offices or other premises or restrict access to certain officers; excepting access as necessary for the attendance at meetings of the Council, Committees or Sub-Committees.
- 5.4.29. Publication of formal notification of breach in a newspaper circulating in the area.
- 5.4.30. At the end of the hearing the Member and the Complainant and any relevant Town or Parish Council will receive written notification of the Conduct Committees determination.

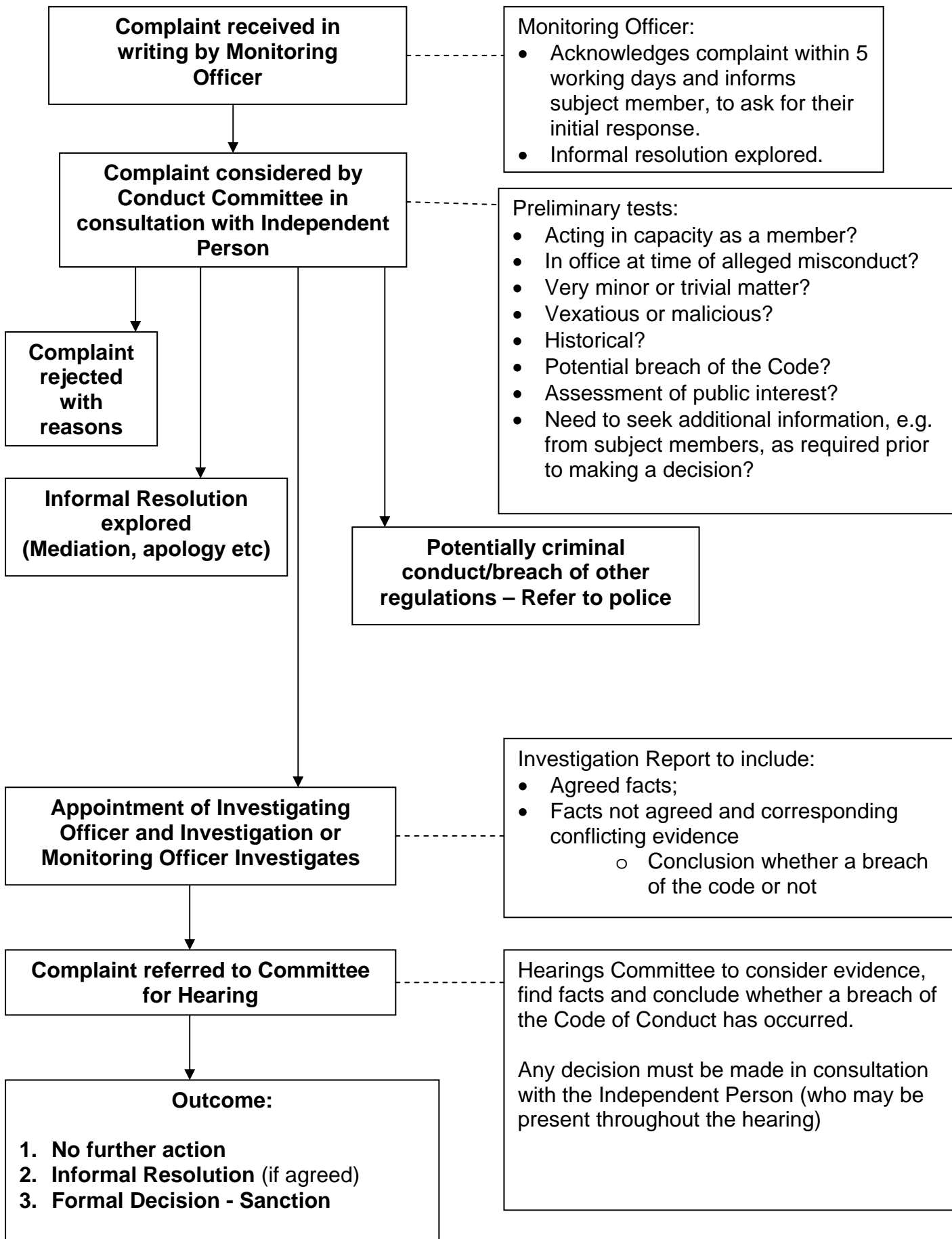
## 5.5. Appeals

- 5.5.1. There are no direct rights of appeal against the decisions of the Monitoring Officer or the Conduct Committee. If your complaint has not been handled in what you consider to be a satisfactory way you are entitled to raise the issue with the Local Government Ombudsman.

## 6. **Dispensations**

- 6.1. The Conduct Committee shall have the right to determine all applications for Dispensations in respect of Pecuniary Interests
- 6.2. A member wishing to receive a dispensation may write to the Monitoring Officer setting out the basis for their Pecuniary Interest and the grounds upon which the dispensation is sought
- 6.3. Dispensations may be granted if the Conduct Committee considers that any of the following grounds are met:
  - 6.3.1. considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business (be that the Council, Cabinet, or any Committee) as to impede the transaction of the business,
  - 6.3.2. considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
  - 6.3.3. considers that granting the dispensation is in the interests of persons living in the authority's area, or
  - 6.3.4. considers that it is otherwise appropriate to grant a dispensation
- 6.4. A Dispensation may last for such a period as defined in the decision; but in any event for no longer than four years.

## Summary of Complaint Process



**MEMBERS' CODE OF CONDUCT**

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

The Code is underpinned by the following principles of public life which should borne in mind when interpreting the meaning of the Code:-

- i. **Selflessness** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- ii. **Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii. **Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- iv. **Accountability** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v. **Openness** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi. **Honesty** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- vii. **Leadership** Holders of public office should promote and support these principles by leadership and example.

## PART 1

### GENERAL PROVISIONS

#### 1. **Introduction and interpretation**

- 1.1. This Code applies to **you** as a member of Fenland District Council (“FDC”)
- 1.2. The term “**the Authority**” used in this Code refers to Fenland District Council.
- 1.3. “**Member**” means any person being an elected or co-opted member of the Authority.
- 1.4. It is **your** responsibility to comply with the provisions of this Code.
- 1.5. In this code –  
“**Meeting**” means any meeting of
  - a) The Authority;
  - b) The executive of the Authority;
  - c) Any of the Authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
  - d) Any of the Authority’s advisory groups and executive boards, working parties and panels
- 1.6. In this Code “relevant authority” has the meaning given to it by section 27(6) of the Localism Act 2011.

#### 2. **Scope**

- 2.1. You must comply with this Code whenever you act, claim to act or give the impression you are acting in your official capacity as a Member of the Authority.
- 2.2. Where you act as a representative of the Authority:-
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

#### 3. **General obligations**

- 3.1. **You must treat others with respect.**

**3.2. You must not:-**

- (a) do anything which may cause the Authority to breach UK equalities legislation;
- (b) bully any person
- (c) intimidate or attempt to intimidate any person who is or is likely to be:-
  - (i) a complainant;
  - (ii) a witness; or
  - (iii) involved in the administration of any investigation or proceedings,
- (d) in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct, do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
- (e) conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

**4. You must not:-**

**4.1. disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-**

- (a) you have the consent of a person authorised to give it;
- (b) you are required by law to do so;
- (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (d) the disclosure is:-
  - (i) reasonable and in the public interest; and
  - (ii) made in good faith and in compliance with the reasonable requirements of the authority; or

**4.2. prevent another person from gaining access to information to which that person is entitled by law.**

**5. You must not:-**

**5.1. use or attempt to use your position as a member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage; and**



**6. You must:-**

- 6.1. when using or authorising the use by others of the resources of your authority:-
- (a) act in accordance with your authority's reasonable requirements;
  - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- 6.2. have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

**PART 2**

**INTERESTS**

**7. Disclosable Pecuniary Interests**

- 7.1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
- 7.2. You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and either:
- (a) it is an interest of yours, or
  - (b) it is an interest of:
    - (i) your spouse or civil partner;
    - (ii) a person with whom you are living as husband and wife, or
    - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

**8. Registration of Disclosable Pecuniary Interests and Personal Interests**

- 8.1. Subject to paragraph 10 below (sensitive interests), you must, within 28 days of:
- (a) this Code being adopted or applied by the Authority; or
  - (b) your election or appointment (where that is later),

notify the Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests and/or Personal Interests you have at that time.

- 8.2. Subject to paragraph 10 below (sensitive interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest/Personal Interests or any change to any such interest, notify

the Authority's Monitoring Officer in writing of that new pecuniary interest or change, pursuant to sub-paragraph 9.1 above.

## **9. Disclosable Pecuniary interests in matters considered at meetings or by a single member**

9.1. If you attend a meeting and have and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting, –

- (a) if the interest is not entered in the Authority's register of members' interests, you must, subject to sub-paragraph 11.1 below, disclose to the meeting the fact that you have a Disclosable Pecuniary or Personal Interest in that matter. If you have not already done so, you must notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and
- (b) whether the interest is registered or not you must not – unless you have obtained a dispensation from the Authority Monitoring Officer – (i) participate, or participate further, in any discussion of the matter at the meeting; or (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

## **10. Sensitive interests**

10.1. Where you consider (and the Authority's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Personal Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code, and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed, in accordance with paragraph 9.1 above.

## **11. Personal Interests**

11.1. You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

11.2. In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).