

Democratic Services  
Riverside, Temple Street, Keynsham, Bristol BS31 1LA  
Telephone (01225) 477000 main switchboard  
Direct Lines: Tel (01225) 394416  
Email: democratic\_services@bathnes.gov.uk  
Web site: <http://www.bathnes.gov.uk>

13 June 2012

**To: All Members of the Standards Committee**

**Independent Members:** Susan Toland (Chair), Deborah Russell and Dr Cyril Davies

**Parish/Town Councillors:** Veronica Packham and Axel Palmer

**Bath and North East Somerset Councillors:** Councillor Sally Davis, Councillor Malcolm Lees, Councillor Eleanor Jackson, Councillor Nigel Roberts and Councillor Brian Simmons

Chief Executive and other appropriate officers

Press and Public

Dear Member

**Standards Committee: Thursday, 21st June, 2012**

You are invited to attend a meeting of the **Standards Committee**, to be held on **Thursday, 21st June, 2012 at 5.30 pm** in the **Kaposvar Room - Guildhall, Bath.**

The agenda is set out overleaf.

Yours sincerely

Ann Swabey  
for Chief Executive

**If you need to access this Agenda or any of the supporting reports in an alternative accessible format, please contact Democratic Services or the relevant report author whose details are listed at the end of each report**

## **NOTES:**

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Ann Swabey who is available by telephoning Bath (01225) 394416 or by calling at the Riverside Offices, Keynsham (during normal office hours).
- 2. Details of Decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting as above:-

**Public Access points** - Guildhall - Bath, Riverside – Keynsham, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

**For Councillors and officers** papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Libraries.

- 3. Substitutions:** Members are reminded that any substitutions must be made in accordance with the relevant Rule set out in the Council's Constitution and notified in writing to Ann Swabey prior to the commencement of the meeting.
- 4. Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may ask a question which must be submitted in writing to Democratic Services and to which a written answer will be given. Public and Councillor submissions to the Standards Committee under this scheme must relate to the general business of this Committee. Separate arrangements apply to hearings about individual cases.

Advance notice is required not less than two full working days before the meeting (for instance, this means that for meetings held on Thursdays notice must be received in Democratic Services by 4.30pm the previous Monday).

- 5. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**

## **7. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people

## **8. Wards (the areas of the Authority which Councillors represent)**

Where an item relates to a specific ward within the Authority, the name of that ward is given alongside the item heading. The name of the Ward is also shown on the front page of the associated report. Where no ward is given, this is because the item is a general matter or relates to the whole of the Bath and North East Somerset area.

**Standards Committee – Thursday, 21st June, 2012  
at 5.30 pm in the Kaposvar Room - Guildhall, Bath**

**AGENDA**

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out on the Agenda.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTION

4. DECLARATIONS OF INTEREST

To receive any declarations of interest from Members/Officers in respect of matters for consideration at this meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair will announce any items of urgent business accepted since the agenda was prepared under the Access to Information provisions.

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

7. ITEMS FROM COUNCILLORS AND CO-OPTED AND ADDED MEMBERS RELATING TO THE GENERAL BUSINESS OF THE COMMITTEE

8. MINUTES OF THE MEETING OF 26TH APRIL 2012 (Pages 5 - 8)

To approve the minutes of the last meeting on 26<sup>th</sup> April 2012.

9. THE NEW STANDARDS REGIME (Pages 9 - 44)

The Monitoring officer will provide a verbal report to the meeting, please see briefing note on the new regime, and Appendices.

The Committee Administrator for this meeting is Ann Swabey who can be contacted on 01225 394416.

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**BATH AND NORTH EAST SOMERSET**

**STANDARDS COMMITTEE**

**MINUTES OF THE MEETING OF THURSDAY, 26TH APRIL, 2012**

PRESENT:-

**Independent Members:** Susan Toland (Chair), Deborah Russell (Independent Member)

**Parish Representatives:** Councillors Tony Crouch and Veronica Packham

**Bath and North East Somerset Councillors:** Sally Davis, Eleanor Jackson and Nigel Roberts

**Officers:** Vernon Hitchman (Council Solicitor and Monitoring Officer), Ann Swabey (Democratic Services Officer).

**21 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

**22 EMERGENCY EVACUATION PROCEDURE**

The Clerk drew attention to the Emergency Evacuation Procedure.

**23 APOLOGIES FOR ABSENCE AND SUBSTITUTION**

Apologies were received from Councillor Axel Palmer.

**24 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**25 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

**26 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

There were none.

**27 ITEMS FROM COUNCILLORS AND CO-OPTED AND ADDED MEMBERS RELATING TO THE GENERAL BUSINESS OF THE COMMITTEE**

There were none.

**28 MINUTES OF THE MEETING OF 21 JULY 2011**

The minutes of the meeting were agreed as a correct record.

**29 UPDATE ON THE INTRODUCTION OF THE NEW STANDARDS REGIME**

Code of Conduct

The Monitoring Officer introduced the report and informed the Members that the new Standards Regime was due to start on 1<sup>st</sup> July 2012. He referred the Committee to the extract from the minutes of the full Council meeting of 15<sup>th</sup> September 2011 (Appendix 1) which detailed the recommendations for improvements to the Standards Regime as proposed by the Standards Committee. In particular, he confirmed that there was general agreement about adopting a code of conduct and that the principal Council (i.e. B&NES) would deal with breaches of the Code.

The Monitoring Officer informed the Committee that Appendices 2 and 3 to the report were examples of draft codes of conduct from the Local Government Association (LGA) and the Department for Communities and Local Government (DCLG). Regulations were still awaited from the government. He invited the Members to give their opinions on these draft codes. He also sought their views on the establishment of a Standards Committee and its Terms of Reference and Membership. The report being presented to the full Council meeting on 10<sup>th</sup> May 2012 will include the assumption that there would be a B&NES Standards Committee.

### Membership

The Chair, after conferring with Members, confirmed that there was unanimous support for establishing a Standards Committee under the new regime. The Members also confirmed that they wished the new regime to continue with independent members and Chair and parish representatives. The Monitoring Officer reminded Members that these co-opted members would have no vote, but that as in most cases the Committee acted on a consensual basis, this requirement was unlikely to have a great effect. Deborah Russell asked whether the independent members could sit for only five years and was informed that the five year limit only applied to the new role of the Independent Person. Councillor Nigel Roberts pointed out that there may be a need to have more B&NES councillors on the Committee to create a voting body. The Monitoring Officer agreed that there was a trend towards having more representation from the principal authority and that the additional membership would need to comply with the political proportionality rules. Following this discussion, the Committee agreed that the core membership of the Standards Committee could consist of:

3 independent members (plus 3 reserves)

3 Parish/Town Council representatives (plus 3 reserves)

B&NES Councillor members (at least 3, but total number to be agreed between party leaders)

### Parish and Town Councils

With regard to Parish and Town Councils, it was agreed that there needed to be a simpler and more transparent model for the administration of complaints. Councillor Tony Crouch suggested that a presentation to the next Parishes Liaison meeting might be useful. The Chair added that the issue needed to be discussed individually with councils and Councillor Nigel Roberts suggested that the consultation with parishes begin after the next full Council, possibly suggesting adoption of the LGA model. However, the Council Solicitor pointed out that neither the LGA nor the DCLG codes were comprehensive and that only when the Council had the mechanism to deal with the code would they consult parish and town councils. Councillor Nigel Roberts suggested that it could be useful to have an informal meeting with the

parishes in June. Councillor Tony Crouch suggested that the Monitoring Officer be invited to the Local Councils Group meeting on 30<sup>th</sup> May. Councillor Sally Davis reminded the Members that some smaller councils did not meet every month, so the Committee should be aware of how this might affect the timeframe for consultation. The Monitoring Officer pointed out that the code of conduct did not apply to parish meetings.

Complaints Process

The Monitoring Officer explained the role of the Independent Person of which the Council will need at least two. The law now states that this person must be consulted before a conclusion is reached on complaints. It is envisaged that he or she would be able to suggest courses of action on complaints and could also be consulted by both sides. The Act does not mention anything specific about how to deal with complaints, so, subject to the rules of natural justice, councils could devise their own processes.

The proposal to Council is therefore to create a 'lighter touch' complaints process which would mean that, once a complaint has been received and assessed by the Monitoring Officer and Chairman, it would be referred to a single meeting of the Standards Committee for a decision. More complex cases could be referred for an investigation, but, based on past experience, it is not envisaged that this would happen often. The Chair added that this kind of case would need more resources in order to meet the 13-week deadline for dealing with complaints. Given that under this new regime the Standards Committee has greatly limited powers of sanction, the Members agreed that publishing the outcomes of complaints would send a powerful message to Councillors.

The meeting concluded with a proposal that the Committee meet in the second week of June in order to consider the outcome of the full Council meeting and confirm the new regime for the future Standards Committee.

The meeting ended at 6.25 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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## Appendix 1

### Update on the new standards regime

1. Members are aware that the Localism Act makes fundamental changes to the system of the regulation of standards of conduct for elected and co-opted councillors. The date for the implementation of these changes was initially proposed to be 1 April 2012 but is now 1 July 2012.

### **Code of Conduct**

2. All Councils are placed under a statutory duty to promote and maintain high standards of conduct for their elected and co-opted members.

3. The current general principles and model code of conduct will no longer apply. All Councils are required to adopt a new code of conduct governing elected and co-opted members conduct when acting in that capacity. The new code of conduct must, viewed as a whole, be consistent with the following seven principles:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership

4. Councils have discretion as to what they include in their new code, provided that it is consistent with the seven principles. The LGA has recently produced a model code and the DCLG has produced an illustrative list of what a local authority code of conduct might look like (Appendix 1). Neither code is considered to be satisfactory. Some Councils are proposing to adopt a short version of a code, others are proposing to adopt a more detailed version. Two examples, one of a short version and another more detailed version are attached (Appendix 2). Members are asked to consider the versions attached to this report and let me have their views on which type of code should be adopted by the Council.

### **Pecuniary Interests**

5. Regulations, recently made under the Localism Act, require the registration and disclosure of "Disclosable Personal interests" (DPIs).

6. The Act also requires an authority's code to contain arrangements it considers appropriate for the registration and disclosure of other pecuniary interests and non-pecuniary interests.

7. The Act makes it a criminal offence to fail to register a DPI and prohibits members with a DPI from participating in authority business. A person

found guilty of an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale, which is currently £5,000. In addition on conviction the Court may also disqualify the member in question, for a period not exceeding 5 years from being or becoming a member or co-opted member of an authority. Prosecutions will only be able to be instituted by or on behalf of the Director of Public Prosecutions.

### **Dealing with Misconduct complaints**

8. The Act requires Bath and North East Somerset Council to adopt arrangements under which allegations of a breach can be investigated and a decision made regarding the allegations. Such complaints can only be dealt with in accordance with such arrangements. Therefore the arrangements must set out in some detail the process for dealing with complaints and actions which may be taken against a member who is found to have failed to comply with the relevant Code of conduct.

9. The Act repeals the requirements for separate referral and review sub-committees. As the statutory provisions will no longer give the Standards Committee or Monitoring Officer special powers to deal with complaints, it would be necessary for Council to delegate appropriate powers to any Standards Committee which it decides to set up and to the Monitoring Officer to deal with such matters under the new Code.

### **Independent Person**

10. The arrangements to be adopted by Bath and North East Somerset Council must include provision for the appointment by Council of at least one Independent Person. The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the Council (i.e. not just of those who are present and voting).

11. A person is considered not to be independent if he/she is or has been within the last 5 years, an elected or co-opted member or officer of the Council; or has been within the last 5 years, an elected or co-opted member of any committee or sub-committee of the Council or a relative or close friend of a current elected or co-opted member of the Council or of any elected or co-opted member of any committee or sub-committee of the Council.

12. The functions of the Independent Person(s) are –

(1) their views must be sought and taken into account where the Authority has decided to investigate an alleged breach, before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member where this relates to an allegation that it has decided to investigate – but not before the Council makes a decision to investigate

(2) they may be consulted by the Authority in respect of a standards complaint at any other stage

(3) they may be consulted by a member or co-opted member of the Council against whom a complaint has been made.

13. The West of England authorities are currently considering placing a joint advertisement for Independent Persons and having a joint interview panel. It is considered that it would be appropriate for there to be two Independent Persons for this Council with possibly another as a reserve.

### **Members' interests**

14. The Localism Act abolishes the concepts of personal and prejudicial interests. Instead regulations define Disclosable Pecuniary Interests (DPIs)- (Appendix 3 - briefing note). The Monitoring Officer is required to maintain a register of interests, which must be available for inspection and available on the Council's website. Each elected or co-opted member must register all DPIs within 28 days of becoming a member. Failure to register is made a criminal offence. There is no continuing requirement for a member to keep the register up to date except on re-election or re-appointment. However there is a requirement to update the register within 28 days of a meeting at which the member was present and an unregistered DPI arose.

### **Parish and Town Councils**

15. Parish and Town Councils are required to adopt a code of conduct. This Council is required to have arrangements in place to deal with complaints against parish councillors including arrangements under which decisions on allegations can be made. NALC has recently produced a model code for Town and Parish Councils. The NALC model code has not been made available to unitary councils so I am unable to comment on it but I have recommended all Town and Parish Councils to consider it rather than attempting to devise their own code

16. Parish and Town Councillors are required to register their interests. The Monitoring Officer is required to ensure that every Parish and Town Council's register is available on this Council's website and if the Parish/Town Council has a website it must ensure that its register is accessible on that website.

17. Arrangements are being put in place to publish Parish and Town Councils' registers of interest on the Council's website. Guidance on interests will also be made available to Parish and Town Councils.

18. Parish and Town Councils are now responsible for granting their own dispensations (previously a B&NES role.)

### **Dispensations**

19. The provisions on dispensations have been significantly changed by the Localism Act 2011.

20. The current position is that a member who has a prejudicial interest may apply to the Standards Committee for a dispensation on two grounds:-

1. That at least half of the members of a decision making body have prejudicial interests
2. That so many members of one political party have prejudicial interests in the matter that it will upset the result of the vote on the matter.

21. From 1 July 2012 a dispensation will be able to be granted in the following circumstances:-

1. That so many members of the decision making body have disclosable pecuniary interests in a matter that it would impede the transaction of business. In practice, this means that the decision making body would be inquorate as a result
2. That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter,
3. That the authority considers that the dispensation is in the interests of persons living in the authority's area,
4. That, without a dispensation, no member of the Cabinet would be able to participate on this matter, or,
5. That the authority considers that it is otherwise appropriate to grant a dispensation.

22. Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.

23. Under the new standards regime the function of granting a delegation may be delegated to the Standards Committee, a sub-committee or the Monitoring Officer. Under the previous regime the function could not be delegated to a sub-committee or the Monitoring Officer.

Vernon Hitchman  
Monitoring Officer and Divisional Director Legal and Democratic Services

## Disclosable pecuniary interests

This note explains the requirements of the Localism Act 2011 (Ss 29-34) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction. They come into force on 1 July 2012.

### 1 Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vacation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i>
<i>Contracts</i>	<i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</i>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>
<i>Corporate tenancies</i>	<i>Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and</i>

*(b) the tenant is a body in which the relevant person has a beneficial interest.*

## Securities

*Any beneficial interest in securities of a body where—*

*(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and*

*(b) either—*

*(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or*

*(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.*

These descriptions on interests are subject to the following definitions;

*“the Act” means the Localism Act 2011;*

*“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;*

*“director” includes a member of the committee of management of an industrial and provident society;*

*“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;*

*“M” means a member of a relevant authority;*

*“member” includes a co-opted member;*

*“relevant authority” means the authority of which M is a member;*

*“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;*

*“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;*

*“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

## 2 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

### **3 Sensitive interests**

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2).

### **4 Non participation in case of disclosable pecuniary interest**

A) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

1. You may not participate in any discussion of the matter at the meeting.
2. You may not participate in any vote taken on the matter at the meeting.
3. If the interest is not registered, you must disclose the interest to the meeting.
4. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, Standing Order X requires you to leave the room where the meeting is held while any discussion or voting takes place.

B) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

### **5 Dispensations**

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

### **6 Offences**

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register

- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.



**Illustrative text for code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity**

You are a member or co-opted member of the [name] council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member -

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

**Registering and declaring pecuniary and non-pecuniary interests**

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.<sup>1</sup>

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

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<sup>1</sup> A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

### Template Code of Conduct

As a member or co-opted member of *[X authority]* I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**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 material benefits for themselves, their family, or their friends.

**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.

**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.

**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.

**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.

**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.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in *[X authority]* this will be done as follows: *[to be completed by individual authorities]*

As a Member of [X authority], my conduct will in particular address the statutory principles of the code of conduct by:

Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.

Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the [county][borough][Authority's area] or the good governance of the authority in a proper manner.

Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.

Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.

Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.

Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.

Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

Always treating people with respect, including the organisations and public I engage with and those I work alongside.

Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

**[Draft Version 1A submitted by ACSeS to the LGA for consideration (version 1 being a re-working of the previous code and version 2 being a pre-cursor to the issued LGA Template)]**

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**The Code of Conduct  
for Members and Co-Opted Members**

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**together with**

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**The Rules for  
Registration of Interests  
and  
Conflicts of Interest**

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*Approved by the Council/Authority on  
n. June 2012*

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## **Part 1**

### **The Code of Conduct for Members of [...]**

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## **Part 2**

### **Registration, Disclosure and Duties on Interests held by Members**

- I. Registration of Interests *n*
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# The Code of Conduct for Members of [ ...]

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*Prepared pursuant to Chapter 7 of the Localism Act 2011*

## **I. Purpose of the Code**

1. The purpose of this Code of Conduct is to assist Members (including co-opted Members) in the discharge of their obligations to the Authority, their local communities and the public at large by:
  - a) setting out the standards of conduct that are expected of Members and co-opted Members of the Authority when they are acting in that capacity, and in so doing
  - b) providing the openness and accountability necessary to reinforce public confidence in the way in which Members perform those activities.

## **II. Scope of the Code**

2. The Code applies to Members in all aspects of their activities as a Member, including when acting on Authority business, ward/division business or when otherwise purporting to act as a Member. It does not seek to regulate what Members do in their purely private and personal lives.
3. The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the Authority and the rulings of the Chair
4. The obligations set out in this Code are also complementary to, and include, those obligations which apply to Members falling within the scope of related Codes and Protocols of the Authority, specifically
  - the Protocol on Member and Officer Relations;
  - the Protocol on use of IT and equipment;
  - the Members' Planning Code; and
  - the Guidance for Members' on Licensing.

## **III. Public Duties of Members**

5. Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act , and to act on all occasions in accordance with the public trust placed in them.
6. Members have an overriding duty to act in the interests of the [District/City/Borough/County/Authority's] area as a whole, but also have a

special duty to represent the views of the residents and communities of their [ward/division].

#### **IV. General Principles of Conduct**

7. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a [Councillor/Member], Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

##### *“Selflessness*

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

##### *Integrity*

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

##### *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.

##### *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.

##### *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.

##### *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.

##### *Leadership*

Holders of public office should promote and support these principles by leadership and example.”



## V. Expectations of Conduct

8. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
9. Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the Authority on the use of such expenses, allowances, facilities and services.
10. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Authority and never undertake any action which would bring the Authority, or its Members or officers generally, into disrepute.

## VI. Rules of Conduct

11. Members shall in particular observe the following rules when acting as a Member or co-opted Member of the Authority and Members are informed that you:
  - (1) **Do** treat others with respect and courtesy.
  - (2) **Do not** -
    - (a) do anything which may cause your authority to breach any of its the equality duties (in particular as set out in the Equality Act 2010);
    - (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, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
    - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
  - (3) **Do not** 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
    - **Do** be aware of the requirements of the Bribery Act 2010 and that offences under the Act include the situation where a Member requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, any function of a public nature, any activity

connected with the Authority or any activity to be performed by or on behalf of the Authority or others should be performed improperly.

- (4) **Do not** 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—
    - (i) you have the consent of a person authorised to give it;
    - (ii) you are required by law to do so;
    - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
    - (iv) the disclosure is—
      - (a) reasonable and in the public interest; and
      - (b) made in good faith and in compliance with the reasonable requirements of the authority
  - (5) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
  - (6) **Do not** conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
12. Members shall observe the following rules when using the resources of the Authority, or authorising the use of those resources by others, and Members are informed that you:
- (1) **Do** act in accordance with the authority's reasonable requirements including the requirements of the authority's ITC policy and the policies listed at *[councils to insert link or reference to annexes]* which you are deemed to have read ;
  - (2) **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
  - (3) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
  - (4) **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of your own interests.
13. Members shall observe the following rules when making decisions on behalf of or as part of the Authority, and Members are informed that you:
- (1) **Do** have regard to any relevant advice provided to you by the Council's chief financial officer and Monitoring Officer where such advice is offered pursuant to his or her statutory duties.

- (2) **Do** give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

## **VII. Registration and Declaration of Interests**

14. Members shall fulfil conscientiously the requirements of the Authority in respect of the registration of interests in the Register(s) of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Authority or its Committees, or in any communications with the Authority, its Members or officers as required in Part 2.

## **VIII. Duties in respect of the Authority's [Standards and Governance] Committee and the Monitoring Officer**

15. The application and guidance on the application of this Code shall be a matter for the Authority and for the Authority's [Standards and Governance] Committee and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.
16. Members shall co-operate, at all stages, with any investigation into their conduct by or under the authority of those persons and shall not seek to intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with his or her authority's code of conduct.
17. No Member shall lobby a member of the Authority's [Standards and Governance] Committee in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code otherwise than in accordance with the arrangements laid down by the Authority.

# Registration, Disclosure and Duties on Interests Held by Members and Co-Opted Members of

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## **I. Registration of Interests**

1. **Do** fulfil the requirements of the law and the Council/Authority in registering your interests in the Register of Members' Interests. These are explained on the following pages.
2. **Do** draw attention to any relevant interest, , where it is required or appropriate to do so, in any proceeding of the Council/Authority or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a member
3. **Do** approach the Authority's Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation

### Part A: Disclosable Pecuniary Interests

- [as required by the Regulations]

### Part B: Other Pecuniary Interests

- [Other financial interests (if any) that would qualify as grounds for bias in an application to quash a decision of the Authority]

### Part C: Other Non-Pecuniary Interests

- [Other interests that would qualify as grounds for bias in an application to quash a decision of the Authority]

### [Part D: Register of Gifts and Hospitality] ?

## II. Disclosure and Duties in Respect of Interests Held by Members

### 1. Declaration of interests not included in the Register

1.1 **Do** ensure, if you have an interest that is not entered in the authority's register, that

- (i) where you are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority, you disclose the interest to the meeting (unless the authority's monitoring officer considers that it is a sensitive interest); and
- (ii) you notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure (unless it is subject of a pending notification)

1.2 **Do** then act accordingly.

### 2. Disclosable Pecuniary Interests

2.1 **Do** ensure, where you

- (i) are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and
- (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,

that you

- **do not** participate, or participate further, in any discussion of the matter at the meeting; and
- **do not** participate in any vote, or further vote, taken on the matter at the meeting

2.2 **Do** ensure, where you

- (i) are to discharge a function of the authority acting alone, and
- (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, in the course of discharging that function

that you

- **do not** take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).
- 2.3 **Do** make a written request made to the proper officer of the authority if you consider it appropriate that the Authority grant a dispensation relieving you from either or both of the restrictions in paragraph 2.1
- 2.4 **Do** be aware that, in respect of disclosable pecuniary interests, failing to act as required by the Localism Act (as outlined here) is a criminal offence.

### 3 General

- 3.1 **Do** act in accordance with the Authority's standing orders (Procedure Rules) where you
- (i) are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and
  - (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,
- 3.2 **Do** base your conduct when acting as a Member on a consideration of the public interest, avoiding conflict between your personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

## **COUNCILLOR CODE OF CONDUCT**

### **PART 1 GENERAL PROVISIONS**

#### **Introduction and interpretation**

As a member you are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code as a whole is consistent with “Nolan Principles” which are set out in Appendix 1 and the provisions of S29(1) Localism Act 2011

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, task groups, joint committees, joint sub-committees or neighbourhood forums whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members
- (d) any briefings by officers and site visits organised by the authority

“member” includes a co-opted member.

#### **1. Who does the Code apply to?**

- (1) This Code applies to all members of Watford Borough Council, including co-opted members.
- (2) It is your responsibility to comply with the provisions of this Code.

#### **2. What does the Code apply to?**

- (1) You must comply with this Code whenever you -
  - (a) conduct the business of your authority, or
  - (b) you are acting as a representative of your authority,
- (2) This Code has effect in relation to your conduct in your official capacity.
- (3) Where you act as a representative of your 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**

- (1) You must treat others with respect.
- (2) You must not--
  - (a) do anything which may cause your authority to breach any of the equality enactments
  - (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,in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

### **4. Confidential Information**

You must not--

- (a) 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--
  - (i) you have the consent of a person authorised to give it;



- (ii) you are required by law to do so;
- (iii) 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
- (iv) the disclosure is--
  - (aa) reasonable and in the public interest; and
  - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

## 5. Conferring an advantage or disadvantage

You--

- (a) must not 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
- (b) must, when using or authorising the use by others of the resources of your authority--
  - (i) act in accordance with your authority's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (d) It is a criminal offence under the **Bribery Act 2010** to request, agree, or accept a financial or other advantage intending that you will exercise your role as a councillor improperly, or get another councillor to exercise their role, or a council officer to perform their duties improperly. It does not matter if you do not directly receive or accept the advantage. You are expected to uphold the principles set out at the end of this code and to perform your role in good faith.
- (e) You will be required to disclose in the Council's register of gifts and hospitality any gift or hospitality you receive that is £25 or over. You

will need to consider when you are offered any gift or hospitality if the intention behind it is to place you under an obligation to the giver, or be seen to be given to influence the exercise of your role. If you consider that this is the intended consequence you should decline the offer and report it to the Council's Monitoring Officer

- (f) If anyone attempts to bribe you you must report it as soon as is practicable to the Council's Monitoring Officer.

## PART 2 MEMBERS INTERESTS

### 6. Disclosable Pecuniary Interests

6.1 You have a disclosable pecuniary interest in any business of your authority if it is of a description set out in 6.2<sup>1</sup> below and is either:

- (a) An interest of yours
- (b) An interest of your spouse
- (c) An interest of your civil partner
- (d) An interest of a person you are living with as a spouse or civil partner

And in the case of paragraphs 6.1 (b) – 6.1 (c) you are aware that that other person has the interest

6.2 “Disclosable pecuniary interest” are defined by *(regulations still awaited)* and are:-

- (a) *(to be completed when regulations are issued)*

### 7. Other Pecuniary Interests<sup>2</sup>

7.1 You have a pecuniary interest in any business of your authority where either-

- (a) It relates to or is likely to affect:
  - i. any employment or business carried on by you;
  - ii. any person or body who employs or has appointed you;
  - iii. 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;
  - iv. 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

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<sup>1</sup> Regulations still awaited. Paragraphs 6.2 and 7 should be given further consideration when regulations are available

<sup>2</sup> Regulations still awaited. Paragraphs 6.2 and 7 should be given further consideration when regulations are available

- exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- v. 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 specific in paragraph (iv);
  - vi. any land in your authority's area in which you have a beneficial interest;
  - vii. 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 (iv) is, the tenant;
  - viii. 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
  - ix. a decision in relation to that business might reasonably be regarded as affecting your financial position or financial position of a relevant person to a greater extent than the majority of-

other council tax payers, ratepayers or inhabitants of the ward, affected by the decision;

## **8. Non-Pecuniary Interests**

8.1 You have a non-pecuniary 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-
    - 1. exercising functions of a public nature;
    - 2. directed to charitable purposes; or
    - 3. 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. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- iv. a decision in relation to that business might reasonably be regarded as affecting your wellbeing or the wellbeing of a relevant person to a greater extent than the majority of:-  
other council tax payers, ratepayers or inhabitants of the ward, affected by the decision;

## **9. “Relevant Persons”**

9.1 For the purposes of paragraphs 7.1(a) ix and 8.1(a) iv a relevant person is-

- (a) A member of your family or any person with whom you have a close association;
- (b) Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company or 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 which such persons are a member or in a position of general control or management and to which you are appointed or nominated by your authority
- (e) any body of a type described in paragraph 8(a) i. and ii. of which such persons are members or in a position of general control or management

## **10. Disclosure of Interests**

10.1 Subject to sub-paragraphs 10.2 to 10.5, where you have a disclosable pecuniary interest, any other pecuniary interest or a non-pecuniary interest in any business of your authority and you are present at a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your register of Interests or for which you have made a pending notification

- 10.2 Sub-paragraph 10.1 only applies where you are aware or ought reasonably to be aware of the existence of the pecuniary interest
- 10.3 Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 10.1 but by virtue of paragraph 14 (sensitive interests) details of the interest are not registered in your authority's published register of members' interest and that the interest is a disclosable pecuniary interest (if that is the case) but you need not disclose the nature of the interest to the meeting
- 10.4 Where you have a pecuniary interest in any business of your authority and a function of your authority may be discharged by you acting alone in relation to that business, you must ensure you notify the authority's monitoring officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business
- 10.5 Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 10.1 and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest
- 10.6 In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000

### **11. Disclosure of Interests generally<sup>3</sup>**

- 11.1 Subject to sub-paragraph 11.2 where you have a pecuniary interest in any business of your authority you also have a disclosable pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment in the public interest.
- 11.2 You do not have a disclosable pecuniary interest in any business of your authority where that business-
- i. does not affect your financial position or the financial position of a person or body described in paragraph 8.1 (a) i. and ii.;
  - ii. does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8.1 (a) i and ii; or

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<sup>3</sup> Regulations from the Secretary of State are currently awaited as to the definition of "pecuniary interests and disclosable pecuniary interests". This paragraph may become superfluous

- iii. relates to the functions of your authority in respect of-
  - i. housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - ii. school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - iii. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - iv. an allowance, payment or indemnity given to members;
  - v. any ceremonial honour given to members; and
  - vi. setting council tax or a precept under the Local Government Finance Act 1992

## **12. Effect of Disclosable Pecuniary Interests on participation**

12.1 You may not-

- a. if present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority and
- b. you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and
- c. you are aware that sub-paragraph 12.1.b is met:
  - i. participate, or participate further, in any discussion of the matter at the meeting, or
  - ii. participate in any vote, or further vote, taken on the matter at the meeting

and must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the authority's proper officer

- d. exercise executive functions in relation to that business and
- e. seek improperly to influence a decision about that business

12.2 If a function of your authority may be discharged by a member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself)

12.3 If you have a pecuniary interest other than a disclosable pecuniary interest in any business of your authority which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and you are present at a meeting of the authority at which such business is to be considered or is being considered your must:-

12.3.1 Disclose the existence and nature of the interest in accordance with paragraph 10.1 (but subject to paragraph 10.3)

12.3.2 Withdraw from the room or chamber where the meeting considering the business is being held unless you have obtained a dispensation from your authority's proper officer in a case where paragraph 12.3 applies immediately after making your representations or in any other case when the business is under consideration unless you have obtained a dispensation from your authority's proper officer



### **PART 3 REGISTER OF MEMBERS INTERESTS**

#### **13. Registration of Members' Interests**

Subject to paragraph 14, you must, within 28 days of—

- (a) this Code being adopted by or applied to your authority; or
- (b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the authority

register in your authority's register of members' interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

- i. disclosable pecuniary interests<sup>4</sup> as referred to in paragraph 6 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time
  - ii. pecuniary interests referred to in paragraph 7 that you have
- (c) Subject to paragraph 14, you must within 28 days of becoming aware of any new disclosable pecuniary interest as referred to in paragraph 6 that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner or change to any disclosable pecuniary interest registered under paragraphs 13. i. or ii above

by providing written notification to your authority's Monitoring Officer

#### **14. Sensitive Information**

- 14.1 Where you have a disclosable pecuniary interest referred to in paragraph 6 or pecuniary interest referred to in paragraph 7 and the nature of the interest is such that you and your authority's monitoring officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the authority's register then copies of the register available for inspection and any published version of the register should not include details of the interest but

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<sup>4</sup> Regulations from the Secretary of State are currently awaited as to the definition of "pecuniary interests and disclosable pecuniary interests"

may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.

- 14.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 14.1 is no longer sensitive information, notify your authority's monitoring officer
- 14.3 In this 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 subject to violence or intimidation.

## **CODE OF CONDUCT**

### **APPENDIX 1**

#### **THE NOLAN PRINCIPLES AND SECTION 28(1) OF THE LOCALISM ACT 2011**

##### **SELFLESSNESS**

To serve only the public interest and never improperly confer an advantage or disadvantage on any person

##### **INTEGRITY**

Not to place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour

##### **OBJECTIVITY**

Make decisions on merit, including when making appointments, awarding Contracts or recommending individuals for rewards or benefits.

##### **ACCOUNTABILITY**

To be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their Office.

##### **OPENNESS**

To be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.

##### **HONESTY**

Not to place themselves in situations where their honesty may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.

##### **LEADERSHIP**

Should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.

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