

**SCHEDULE OF ITEMS RECOMMENDED FROM COMMITTEES AND OTHER MEMBER BODIES**

Committee: Council

Date: 26 July 2012

Author: Tracy Couper, Principal Democratic Services Officer

[M60]

<b>Member Body</b>	<b>Report No.</b>
<p><b><u>STANDARDS COMMITTEE – 26 JUNE 2012</u></b></p> <p><b><u>LOCALISM ACT 2011: PROPOSED STANDARDS REGIME – CODE, PROCEDURES &amp; IP UPDATE</u></b></p> <p>The Committee received a report from the Head of Legal and Democratic Services and Monitoring Officer containing a revised Code of Conduct for Members, Members complaints procedure and an update on the recruitment of Independent Persons ('IPs').</p> <p>The Head of Legal and Democratic Services and Monitoring Officer reported that an amended draft Code of Conduct now had been produced in response to Member comments at the Annual Council meeting held on 22 May 2012. This would be considered at a Member Seminar on 3 July 2012, together with any comments from this Committee, and a final draft version submitted to the full Council on 26 July 2012 for approval. The Head of Legal and Democratic Services and Monitoring Officer stated that, due to the limited timescale for implementation imposed by Central Government, it was unlikely that all Codes of Conduct for Principal Councils within the County now would be the same, but that sections 1-9 were likely to be essentially similar, with some variations in Codes on the 'Interests' provisions outside of Disclosable Pecuniary Interests (DPIs). The Head of Legal and Democratic Services and Monitoring Officer had included a threshold for registration/declaration of gifts and hospitality of £100 and had not included the former '12(2) provision' to allow Members to speak at meetings where they had a prejudicial interest if there was a public speaking scheme, in order to prevent confusion. However, Members could consider these issues.</p>	<p><b>M33 (attached at Appendix A)</b></p>

For Parish and Town Councils, the Head of Legal and Democratic Services and Monitoring Officer stated that she would be happy to recommend the NALC Code (Appendix 4) to them for adoption, with some amendments regarding DPIs to reflect the Regulations and recommending inclusion of provisions for withdrawal of Members from meetings in relation to interests. The District Council Code could also be recommended to Parish and Town Councils for adoption, but the Head of Legal and Democratic Services and Monitoring Officer commented that she would prefer the uniform adoption of one code or the other by Parishes, in the interests of uniformity and enforceability.

The Head of Legal and Democratic Services and Monitoring Officer also explained the proposed arrangements for the Finance and Governance Hearings Sub-Committee and gave an update on the recruitment of the IP and Deputy.

The Head of Legal and Democratic Services and Monitoring Officer referred to the revised draft of the complaints procedure flowchart at Appendix 2 and stated that this included reference in the preliminary tests to whether a parish had sought internal remedy to a complaint against a Parish Councillor before referring it to the District Council. In that connection, copies of a draft stage1 complaints procedure for Town and Parish Councils produced by Cottenham Parish Council was circulated at the meeting, together with a version produced by the Head of Legal and Democratic Services and Monitoring Officer based on this which removed some aspects which appeared to be beyond the remit of Town and Parish Councils.

Councillor Hayes commented that he preferred the District Council version of the stage 1 complaints procedure for Town and Parish Councils, but that the wording in paragraph 1 should read 'Councillor or Co-opted Member of a Committee or Sub-Committee'. In response to a question by Councillor Hayes on the complaints procedure flowchart, the Head of Legal and Democratic Services and Monitoring Officer confirmed that she would have authority as Monitoring Officer to reject vexatious or malicious complaints.

Mr Hampton referred to the fact that not all Parish Councils belonged to the County Association CAPALC, so may not have seen/adopt the NALC Code. Therefore, he would be concerned about several different forms of Code being adopted locally, which would cause confusion and difficulties in enforcement. Councillor Hayes commented that the County

Association Executive had not met yet to consider which Code to recommend to Town and Parish Councils in the County, but that he would be happy to propose the NALC Code of Conduct. The Head of Legal and Democratic Services and Monitoring Officer stated that due to the limited time left until the implementation date of 1 July 2012, she needed to be recommending a Code to Parishes, subject to any further steer from the County Association. Mr Hampton highlighted that the NALC Code did allow for the old '12(2) provision' to allow Members to speak at meetings where they had a prejudicial interest if there was a public speaking scheme, which he was not necessarily supportive of, and that the NALC Code should also include the provision for withdrawal from a meeting for interests, to prevent confusion and protect Members. Councillor Goodge suggested that the inclusion of a 12(2) provision was an issue that might be discussed at the Member Seminar in relation to the District Council Code.

Councillor Morrison raised a question on the composition of the Hearings Sub-Committee/Panels, and the Head of Legal and Democratic Services and Monitoring Officer explained that Hearings Panels of 3 Members would be drawn from the Sub-Committee of 7 Members to deal with complaints and that the full Sub-Committee was only likely to meet as an entity if it was requested to undertake a good governance project by the parent Finance and Governance Committee. In addition, it was being proposed that the Sub-Committee should be non-proportionate, requiring a Nem Con vote.

At the invitation of the Chairman, Councillor Allan queried how a Code could be recommended to Town and Parish Councils, when the Member Seminar and full Council meeting had yet to be held. The Head of Legal and Democratic Services and Monitoring Officer stated that this Committee could decide which Code to recommend to Town and Parish Councils, particularly in view of the implementation date of 1 July 2012 and, since the District Council did not have an approved Code yet, the Committee might wish to recommend the NALC Code at this stage on practical grounds. In response to a further question by Councillor Allan, the Head of Legal and Democratic Services and Monitoring Officer confirmed that an IP could serve in more than one District.

The Chairman then took the Committee through the recommendations individually. Councillor Hayes commended the revised complaints procedure flowchart and Councillor Morrison raised a question about Member training. The Head of

Legal and Democratic Services and Monitoring Officer stated that training would be required for the new Sub-Committee/Panel Members; IPs; Town and Parish Co-optee(s). In addition, training sessions would be organised for Town and Parish Councils on the new Code of Conduct to be facilitated by District Council Officers and Sub-Committee/Panel Members; IPs; Town and Parish Co-optee(s).

Members strongly recommended to the Member Seminar/full Council the inclusion of provisions in the Code of Conduct/Council Procedure Rules to require that Members with DPIs/other interests to withdraw from meetings, as a protection to Councillors. In considering the Code of Conduct to recommend to Town and Parish Councils, Mr Hampton stated that his preference was for the District Council Code to be recommended, for the sake of consistency. The Chairman concurred with this view. However, Councillor Morrison expressed a preference for the NALC Code on the grounds that it was more concise and simpler. Upon being put to the vote, it was agreed that the District Council's draft Code of Conduct be recommended to Town and Parish Councils for adoption, subject to any amendment. It was also agreed that the District Council's stage 1 complaints procedure be recommended to Town and Parish Councils for adoption.

**It was resolved to RECOMMEND TO COUNCIL:**

- 1. The adoption of the amended Code of Conduct (Appendix 1), subject to any further comments/proposals by Members at the Member Seminar on 3 July 2012, any such Code may be reviewed *within 6 months of the Full Council decision* in the event of issues with or extent of the Code and its provisions.**

***PLEASE NOTE: Subsequent to the Standards Committee meeting, the Member Seminar on 3 July 2012 requested that a revised version of the Code of Conduct be drafted reflecting the previous Personal and Prejudicial Interests under the old Code of Conduct and allowing speaking rights for Members in relation to Prejudicial Interests for all Committees similar to the old '12(2) rights' in the previous Code. As a result, a revised Code of Conduct has been drafted and is attached at Appendix B. Therefore, Council is requested to consider whether it wishes to adopt the version recommended by the Standards Committee at Appendix 1 or the version attached at Appendix B.***

2. **The adoption of the complaints procedure (Appendix 2), thereafter delegate to Finance and Governance Committee, and that any arrangements may be reviewed *within 6 months of the Full Council decision.***
3. **That the Finance and Governance Hearings Sub-Committee be established; such Sub-Committee to be up to 7 Members of Council (as per the terms of reference Appendix 3) and that the Council votes nem con that proportionality rules shall not apply. Any terms of reference may be reviewed *within 6 months of the Full Council decision by Finance and Governance Committee.***
4. **That the ongoing Standards work be transferred to the Finance & Governance Committee as from 1 July 2012 and any ongoing complaints/matters pertaining to those complaints be transferred to the Monitoring Officer/Deputy Monitoring Officer and/or Finance & Governance Hearings Sub-Committee, in accordance with the proposed procedures.**
5. **That granting of dispensations is delegated to the Monitoring Officer as “Proper Officer” in accordance with the provisions of the Localism Act 2011.**
6. **That Council Procedure Rules are amended to require Members with a Disclosable Pecuniary Interest or other Interests (as described in the Code) to withdraw from any Council meeting.**

It was also resolved:

1. **That the Committee recommends to Town and Parish Councils the adoption of the Council Code of Conduct (Appendix 1, subject to any further amendments) and adoption of the District Council version of a stage 1 procedure for dealing with Councillor Code of Conduct complaints circulated at the meeting.**

2. That the update on the recruitment of the Independent Person (IP) be noted.

Subject to approval of the above recommendations,

**COUNCIL are also RECOMMENDED:**

**To authorise the Head of Legal and Democratic Services and Monitoring Officer to make any consequential amendments to the Constitution required as a result of the approved changes to the local Standards Regime.**

**PROPOSED STANDARDS REGIME – CODE, PROCEDURES, & IP UPDATE**

Committee: Standards Committee

Date: 26 June 2012

Author: Head of Legal & Democratic Services / Monitoring Officer

[M33]

1.0 **ISSUE**

1.1 To consider revised Code of Conduct for Members, Members complaints procedure and receive an update on the recruitment of Independent Persons ('IPs').

2.0 **RECOMMENDATION(S)**

2.1 That the Committee recommend to Council:

2.1.1 the adoption of the amended Code of Conduct<sup>1</sup> (Appendix A), subject to any further comments/proposals by Members at the Member Seminar on 3 July 2012, any such Code may be reviewed *within 6 months of the Full Council decision* in the event of issues with or extent of the Code and its provisions;

2.1.2 the adoption of the complaints procedure (Appendix B), thereafter delegate to Finance and Governance Committee, and that any arrangements may be reviewed *within 6 months of the Full Council decision*;

2.1.3 that the Finance and Governance Hearings Sub-Committee be established; such Sub-Committee to be up to 7 Members of Council<sup>2</sup> (as per the terms of reference Appendix C) and that the Council votes *nem con* that proportionality rules shall not apply. Any terms of reference may be reviewed *within 6 months of the Full Council decision by Finance and Governance Committee*;

2.1.4 that the ongoing Standards work be transferred to the Finance & Governance Committee as from 1 July 2012 and any ongoing complaints/matters pertaining to those complaints be transferred to the Monitoring Officer/Deputy Monitoring Officer and/or Finance & Governance Hearings Sub-Committee, in accordance with the proposed procedures;

2.1.5 that granting of dispensations is delegated to the Monitoring Officer as "Proper Officer" in accordance with the provisions of the Localism Act 2011; and

<sup>1</sup> Last report Standards Committee 10 May 2012. Code not approved by Full Council.

<sup>2</sup> Wider membership, in accordance with s102(2) Local Government Act 1972

- 2.1.6 that Council Procedure Rules are amended to require Members with a Disclosable Pecuniary Interest or other Interests (as described in the Code) to withdraw from any Council meeting.<sup>3</sup>
- 2.2 That the Committee recommends to Town and Parish Councils the adoption of either the Council Code or NALC Code of Conduct (Appendix D) and adoption of a stage 1 procedure for dealing with Councillor Code of Conduct complaints<sup>4</sup>.
- 2.3 That the Committee notes the update on the recruitment of the IP.

3.0 BACKGROUND/OPTIONS  
Code of conduct

- 3.1 Committee is reminded that a draft was proposed at the meeting on 10 May 2012 and recommendations were made to full Council to adopt at the meeting on 22 May 2012. Full Council did not approve the draft Code – as there were suggestions that this needed to be more extensive (to cover some of the existing personal interests that were not included in the draft). A final draft was to be proposed to the next full Council, following further consideration by Standards Committee and by Members at a Seminar on 3 July 2012.
- 3.2 On 8 June 2012, the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 were laid before parliament, which together with the Localism Act 2011 (Commencement No.6 and Transitional Savings and Transitory Provisions) Order 2012, herald the new Standards Regime and requirement for adoption of the new Code and new procedure, on or after 1 July 2012.
- 3.3 In the light of this and Member comments at full Council meeting, the Code has been amended to set out the Disclosable Pecuniary Interests (DPIs) as prescribed in the above Regulations, and other interests which cover Member comments from the Annual Council meeting regarding interests not covered by the DPIs. These will have to be declared at meetings and, where applicable, disclosed to the Monitoring Officer (as per the Register of Interests form). Members will not be entitled to attend/speak or vote on such matters, unless they have a dispensation from the Proper Officer. The old “12(2) right” to speak at meeting where such interests were prejudicial and there was a public speaking scheme **has been removed, to prevent confusion**. However, Members may wish to recommend inclusion in the Code of this right for “other interests”.
- 3.4 As a result of the timetabling of the Regulations and Order, there is little time to ensure that the “Cambridgeshire Code” version is the same. Paragraphs 1-9 appear, at the last review, to be identical (or very similar), the remainder

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<sup>3</sup> “Meeting” as defined under Paragraph 1 of the Code.

<sup>4</sup> At point of preparing report, awaiting copy from South Cambridgeshire District Council.



has some differences, in the light of interpretation of what other interests should be included and need to be disclosed (which is largely down to individual Member authorities commenting on and approving their own draft Codes). The proposed recommendation will, however, allow review of the Code within 6 months, if issues arise.

- 3.5 In terms of recommending a Code for Town and Parish Councils, a version has been produced by NALC (version 17 May 2012 Appendix D). Comments were made to CPALC on 15 June 2012 regarding the definition of Member; caveats to disclosure of Confidential Information (paragraph 5); suggested amendment to paragraph 6 and uniformity of approach for Councillors to leaving meetings if they have a Disclosable Pecuniary Interest/ or other interest (Appendix A & B interests). The Appendix B interests would also have to be updated to remove those that are now defined as Disclosable Pecuniary Interests under the Regulations.
- 3.6 Otherwise, the Code appears acceptable and the Monitoring Officer can see the benefits in this Code being adopted by the Town and Parish Councils – although it would be desirable, if this were the case, for all Town and Parish Councils within the District to adopt this. It will mean, however, that certain Councillors will have different Codes to follow, dependent on the area of local government and whether they are a Town or Parish, District or County Councillor.

Complaints procedures:

- 3.7 As previously outlined, the Council is required to have a procedure in place, and this legally needs to be adopted on or after 1 July 2012. An outline procedure was presented to Standards Committee on 10 May 2012. Standards Committee felt that further changes were required to a) increase the initial filter of complaints and to ensure that complaints were not automatically referred to Finance and Governance Sub-Committee for hearing, unless a potential breach was found in the investigation. These amendments have been made and a procedure outline has been proposed (see Appendix B). The Monitoring Officer will draft a protocol following this meeting to reflect the complaints procedure, which will be submitted to Council for approval.
- 3.8 In so far as Town and Parish Council complaints are concerned, Cottenham Parish Council has prepared a draft procedure for dealing with stage 1 of a Councillor Code complaint (which will be brought to the meeting). It is recommended that Town and Parish Councils adopt a procedure to deal with complaints on or after 1 July 2012. This will allow for more localised complaint handling and shall be taken into account if the complainant decides to make a complaint to the District Council.

IPs

- 3.9 Following a further meeting on 18 June 2012, Cambridgeshire Monitoring Officers have decided to use common documentation and appoint on similar

terms. However, as a result of the delay in issuing the new Regulations and Commencement Order, it will not be feasible to ensure that all Councils can agree interview dates and therefore the recruitment will be dealt with by the individual Councils. The Monitoring Officer or her Deputy shall undertake the interviews in accordance with previous Council delegated authority.<sup>5</sup>

- 3.10 The initial stages will be followed by a Cambridgeshire-wide press release on the recruitment.

#### 4.0 ARGUMENTS/CONCLUSIONS

- 4.1 No further arguments other than those within the report.

#### 5.0 FINANCIAL IMPLICATIONS

- 5.1 None (although in terms of payments for IPs as previously outlined in report L286, dated 7 February 2012): The Monitoring Officer has discussed this with the Chairman of Finance and Governance Committee and following this, Monitoring Officers have provisionally agreed at £1000 per annual (plus travel to any hearings) for the lead IP and £500 (plus travel to any hearings) for the deputy.

#### 6.0 APPENDICES

- 6.1 Amended Code of Conduct Appendix A;  
6.2 Complaints procedure Appendix B;  
6.3 Finance and Governance Hearings Sub-Committee Terms of Reference Appendix C;  
6.4 NALC Code to the Town and Parish Councils Appendix D.

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#### Background Documents

Localism Act 2011  
Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012  
Localism Act 2011 (Commencement No.6 and Transitional Savings and Transitory Provisions) Order 2012.  
Previous reports on Code and standards regime to Standards Committee and Full Council.

#### Location

Room 113  
(The Grange,)  
Ely

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<sup>5</sup> Full Council 23 February 2012.

## EAST CAMBRIDGESHIRE DISTRICT COUNCIL 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 East Cambridgeshire District Council ('ECDC').
- 1.2. The term "**the Authority**" used in this Code refers to ECDC.
- 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) Any meetings with the Council's officers;



- c) Any of the Authority's Committees, sub-committees, joint committees, joint sub-committees, or area committees;
- d) Any site visits to do the business of the Authority;
- e) Any of the Authority's advisory groups and, 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, in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct.
- (d) 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.
- 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.
- 6. You must:-**
- 6.1. when using or authorising the use by others of the resources of the 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.
- 7.2. You have a Disclosable Pecuniary Interest if it is of a description specified in Regulations made by the Secretary of State (Appendix A) 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**

- 8.1. Subject to paragraph 12 (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 you have at that time.



8.2. Subject to paragraph 12 (sensitive interests), **you must**, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Authority's Monitoring Officer in writing of that new Disclosable Pecuniary Interest or change.

## 9. Disclosable Pecuniary Interests in matters considered at meetings

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) **you must disclose** to the meeting the fact that you have a Disclosable Pecuniary 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's Monitoring Officer –
  - (i) participate, or participate further, in any discussion of the matter or vote 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.

**Note: Council Procedure Rule X requires you to leave the room where the meeting is held while any discussion or voting takes place.**

## 10. Other Interests non-disclosable pecuniary interest or non-pecuniary interest

10.1. You have a "non-disclosable pecuniary interest or non-pecuniary interest" in an item of business of your authority where –

- (a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a "relevant person" to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
- (b) it relates to or is likely to affect any "relevant persons" interests listed in the Table in the Appendix A to this Code, but in respect of a "relevant person".
- (c) it relates to any person or body from whom you have, within the last 3 years, received a gift or hospitality with an estimated value of at least £100; and  
that interest does not otherwise fall into the category of a Disclosable Pecuniary Interest.

10.2. In sub-paragraph 10.1 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 or firm who employs or has appointed or are in partnership with those detailed in 10.2(i)(a), (as employee, partner or directors);
- (c) any person or body in whom those detailed in 10.2(i)(a) have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- (d) any body that exercises functions of a public nature, directed to charitable purposes or one of its principal purposes includes the influence of public opinion or policy (including political party or trade union), of which you are a member or in a position of general control or management.

10.3. In addition to the Disclosable Pecuniary Interests notifiable under the Localism Act 2011, **you must**, within 28 days of—

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



- (c) any new interest or change to any interest registered under sub-paragraph 10.1(c), notify the Monitoring Officer in writing. Such notification will be placed on a public register of gifts and hospitality.

**11. Declaration of Other Interests and participating in any Meeting where these are discussed**

11.1. If you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” detailed in paragraph 10 above, in that item, you must make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

11.2. Where you have a non-disclosable pecuniary interest or non-pecuniary interest **You must not** – unless you have obtained a dispensation from the Authority’s Monitoring Officer –

- (a) participate, or participate further, in any discussion of the matter or vote at the meeting; or
- (b) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

**Note: Council Procedure Rule X requires you to leave the room where the meeting is held while any discussion or voting takes place.**

**12. Sensitive interests**

12.1. 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 paragraphs XXX.

**Note: Register of interests**

Interests under paragraphs XXX will be notified to the Monitoring Officer on a specified form approved for the purpose by the Monitoring Officer and for this purpose will be deemed the “register of interests”. A copy of the register will be available for public inspection and will be published on the authority’s website.

## Appendix A

### Disclosable Pecuniary Interests

This note explains the requirements of the Localism Act 2011 (Ss 29-34) 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

<i>Disclosable Pecuniary Interest</i>	<i>description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	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.
Contracts	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.
Land	Any beneficial interest in land, which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (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.

### **Offences**

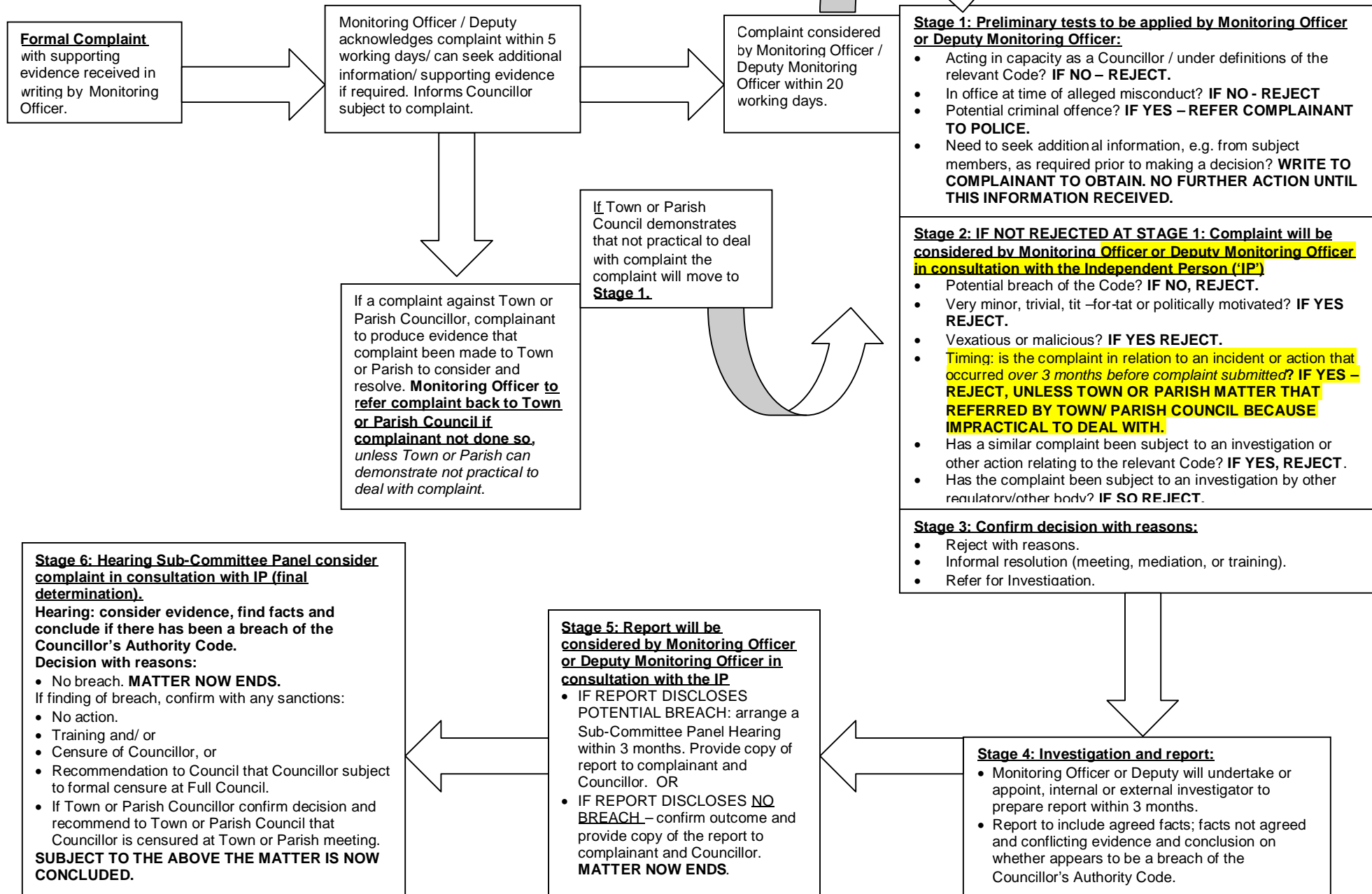
It is a criminal offence to

- 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 (without a dispensation)
- 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.**

**EAST CAMBRIDGESHIRE DISTRICT, TOWN & PARISH COUNCILLOR COMPLAINTS HANDLING FLOW CHART**

**APPENDIX 2**



**FINANCE & GOVERNANCE HEARINGS SUB-COMMITTEE****1. Constitution:**

- 1.1 The Sub-Committee shall comprise of 7 Members of the Council, who shall be appointed annually by full Council from the full Membership, and up to 2 co-opted non-voting Town or Parish Councillors.
- 1.2 The Council voted nem con on [26 July 2012] to suspend proportionality rules for membership (pursuant to section 17 of the Local Government and Housing Act 1989 and Regulation 20 of the Local Government (Committee and Political Groups) Regulations 1990) as regards the Finance & Governance Hearings Sub-Committee and its panel.
- 1.3 The Sub-Committee and any Panel quorum is 3 Members, with the attendance of the appointed Independent Person (lead or the deputy). Where the Panel considers a complaint against a Town or Parish Councillor, the Town or Parish co-optee must be in attendance at the Panel Hearing.

**2. Objective:**

- 2.1 To support the Finance & Governance Committee in its duty to promote and maintain high standards of Councillor conduct.

**3. Terms of Reference:**

- 3.1 To appoint Hearing Panels for Stage 6 complaints handling comprising 3 elected Members, to consider a complaint against an East Cambridgeshire District, or Town or Parish Councillor, where there is an allegations that the Councillor has failed, or may have failed, to comply with their Authority's Code of Conduct **and** the Monitoring Officer, or her Deputy or appointed investigator's report has concluded that there appears to have been a breach of their Authority's Code.
- 3.2 The Panel shall be appointed from the Sub-Committee membership, with an elected Member acting as a reserve Member. Such a Panel can be a combination of any of the Members of the Sub-Committee.
- 3.3 In holding a Stage 6 complaints hearing, the Panel:
  - 3.3.1 Will hold the hearing in public session, unless representations have been received from the complainant and / or the Councillor subject to the complaint, by the Monitoring Officer/ Deputy Monitoring Officer not to do so, and there is a legal basis under the Local Government Act 1972 to hold in exempt session.
  - 3.3.2 May, with the consent of both the complainant and the Councillor subject to the complaint, consider this without the attendance of the parties (a "paper" hearing).
  - 3.3.3 May, if it considers it reasonable to do so, proceed with any hearing in the absence of one of the parties.

- 3.3.4 Must ensure that this is conducted having regard to the hearings procedure and any government guidance, or guidance issued by the Monitoring Officer, Deputy Monitoring office or legal advisor.
  - 3.3.5 Must ensure that any Councillor that is subject to the complaint is given the opportunity to attend, and / or submit or present evidence and make representations, either orally or if the member chooses, in writing; and (b) either personally, or by legal representative, or with the Panel's consent, any other representative.
  - 3.3.6 May arrange or agree to the attendance of such witnesses, as the Monitoring Officer, Deputy Monitoring Officer or investigator considers appropriate.
  - 3.3.7 May adjourn the hearing proceedings at any stage prior to the final determination of the complaint.
  - 3.3.8 Will allow the Councillor who is subject to the complaint to call such witnesses in support, subject to the Panel limiting the numbers of witnesses that a person may call, if it considers that the number the person proposes to call is unreasonable.
  - 3.3.9 Will seek and take into account the views of the Independent Person at the Panel Hearing *before* making its final determination on the matter.
  - 3.3.10 **[in cases where the complaint relates to a Town or Parish Councillor]** Will seek and take into account the views of the Town or Parish co-optee at the Panel Hearing *before* making its final determination on the matter.
  - 3.3.11 Will determine whether the Councillor subject to the complaint has breached their Authority's Code of Conduct and provide reasons for any decision.
- 3.4 If the Panel concludes that the Councillor subject to the complaint has breached their Authority's Code of Conduct, the Panel may confirm the following sanctions:
- 3.4.1 No action.
  - 3.4.2 That the Councillor be trained.
  - 3.4.3 That the Councillor be censured.
  - 3.4.4 That a recommendation is made to the District Council's full Council to censure the District Councillor.
  - 3.4.5 **[in the case where the complaint relates to a Town or Parish Councillor]** recommend to the Town or Parish Council that the Town or Parish Council censures the Councillor at a Town or Parish meeting.
- 3.5 To assist with good governance, if requested by Finance and Governance Committee.

#### 4. Delegation to Officers

- 4.1 The Monitoring Officer is authorised to act in relation to any matter of immediate urgency, which must be dealt with before the next meeting of the Committee provided the Chairman or Vice-Chairman of the Sub-Committee is consulted prior to delegated decisions being made.
- 4.2 There shall be delegated to the Monitoring Officer, the exercise of any power or function of the Council in routine matters related to the implementation District, Town & Parish Councillor complaint procedures.

This delegation shall not be taken to include any matter reserved by law to the Finance & Governance Committee or the Full Council.

- 4.3 There are further delegated to the officers indicated below the exercise of any power or function of the Council set out below:

To make arrangements for a Panel hearing, including Members sitting on the Panel, and, where relevant, Town or Parish co-optees attendance.	Principal Democratic Services Officer/ Democratic Services Officer.
To make arrangement for the hearing to be held in exempt session, if representations are received and there is a legal basis for the exempt session under the Local Government Act 1972.	Monitoring Officer/ Deputy Monitoring Officer/ Principal Democratic Services Officer
To agree that a reserve Panel Member may substitute for one of the allotted Members at the hearing.	Monitoring Officer/ or Deputy Monitoring Officer in her absence
To undertake any pre or post hearing preparation for the hearing including (although not limited to) notifying and requiring attendance of the complainant, the Councillor subject to the complaint and any witnesses.	Monitoring Officer/ Deputy Monitoring Officer
To undertake any post hearings decision training or instruct others (internally or externally) to do so.	Monitoring Officer/ Deputy Monitoring Officer

## APPENDIX 4

### NALC's template code of conduct for parish councils

As explained in paragraph 13 of LTN 80 – 'Members' conduct and the registration and disclosure of their interests (England)', NALC has produced a template code of conduct for parish councils because:

- it does not recommend that parish councils adopt the LGA's template code of conduct and
- parish councils may not want to draft their own or adopt their principal authority's code of conduct.

Unlike the LGA's template code of conduct, the attached NALC template code of conduct has the following features:

1. It uses concise and clear language to define members' obligations in respect of their conduct.
2. It incorporates members' mandatory obligations in respect of disclosable pecuniary interests. These are yet to be defined by regulations which are expected to be made before 1 July 2012 and will be inserted in Appendix A of the NALC template.
3. It sets out other pecuniary interests and non pecuniary interests in Appendix B of the NALC template about which members have obligations with regard to registration, disclosure, and speaking at meetings.
4. It describes the circumstances in which a parish council may grant a dispensation for members to participate and vote on a matter at a meeting.
5. It accommodates variations to be made to it except in relation to members' mandatory obligations about disclosable pecuniary interests in Appendix A. Substantive amendments to the NALC template code of conduct are not recommended because it establishes (i) the minimum standards for members' conduct which are consistent with the Nolan principles of conduct in public life and (ii) a proportionate range of pecuniary and non pecuniary interests which members are subject to.

It is likely that some of the interests presently included in Appendix B of the NALC template will constitute disclosable pecuniary interests, prescribed by regulation, and that any such interests will need to be included in Appendix A. NALC will publish the final version of its template code of conduct after regulations which define disclosable pecuniary interests have been made.

**This briefing was issued by Meera Tharmarajah, Solicitor and Head of Legal Services**

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National Association of Local Councils

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## DRAFT

### **NALC template code of conduct for parish councils**

#### **Introduction**

Pursuant to section 27 of the Localism Act 2011, X [Parish/Town/Village/Community/Neighbourhood] Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

#### **Definitions**

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

## **Member obligations**

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

## ***Registration of interests***

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register all interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any interests in Appendices A and B.
8. A member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.



9. A member need only declare on the public register of interests the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

### ***Declaration of interests***

9. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
10. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting.
12. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter before withdrawing. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.

13. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

### **Dispensations**

14. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

**Appendix A**

Such interests, as prescribed by regulations, are.....

## **Appendix B**

[Unless they are interests prescribed by regulation for inclusion in Appendix A] any interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which the member of the Council is a member or in a position of general control or management;
- (iii) any employment or business carried on by the member;
- (iv) any person or body who employs or has appointed the member;
- (v) any person or body, other than the Council, who has made a payment to the member in respect of his/her election or any expenses incurred by him/her in carrying out his/her duties;
- (vi) any person or body who has a place of business or land in the Council's area, and in whom the member has 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 the member's Council and the member or a firm in which he/she is a partner, a company of which he /she is a remunerated director, or a person or body of the description specified in paragraph (vi);
  
- (viii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.
  
- (ix) any land in the Council's area in which the member has a beneficial interest;
  
- (x) any land where the landlord is the Council and the member is, or a firm in which the member is a partner, a company of which the member is a remunerated director, or a person or body of the description specified in paragraph (vi), is the tenant;
  
- (xi) any land in the Council's area for which the member has a licence (alone or jointly with others) to occupy for 28 days or longer.

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## EAST CAMBRIDGESHIRE DISTRICT COUNCIL 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 East Cambridgeshire District Council ('ECDC').

1.2. The term "**the Authority**" used in this Code refers to ECDC.

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. Definitions: In this Code –

**"Disclosable Pecuniary Interest"**

means the description of interests specified in Regulations made by the Secretary of State (set out in Appendix A).

**"Dispensation"**

means a exemption from an obligation or rule, granted by or as if by the Authority by the Proper Officer under section 33 Localism Act 2011, in respect to of Disclosable Pecuniary Interests, or under s1 Localism Act 2011 in respect of Prejudicial Interests, on the grounds set out in Appendix B.



“Meeting” means any Meeting of:-

- a) The Authority;
- b) Any Meetings with the Council’s officers;
- c) Any of the Authority’s Committees, sub-committees, joint committees, joint sub-committees, or area committees;
- d) Any site visits to do the business of the Authority;
- e) Any of the Authority’s advisory groups and, working parties and panels.

“Personal Interest” means the description of non-disclosable pecuniary interest or non-pecuniary interest specified in paragraph 10.

“Prejudicial Interest” means a Personal Interest in the business of the Authority, where that business would affect the financial or regulatory position of that person or body and the interest is one which the 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. It will **not** be a Prejudicial Interest if this relates to receipt of statutory benefits; allowances, payments or indemnities provided to Members; ceremonial honours given to Members or setting of Council tax, rates or precepts.

“Speaking Right” means the right of a Member to speak, make representations and answer questions in relation to a matter that they have a prejudicial interest and only applies to such an interest and a matter where they have a Disclosable Pecuniary Interest. **This Speaking Right does not extend to Meetings or discussions with officers or site visits.**

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,

**APPENDIX B**

in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct.

- (d) 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.
- 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.

**6. You must:-**

- 6.1. when using or authorising the use by others of the resources of the 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.**

- 7.2. You have a Disclosable Pecuniary Interest if it is of a description specified in Regulations made by the Secretary of State (Appendix A) 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

- 8.1. **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 you have, and  
subject to paragraph 14 (sensitive interests), such notifications will be placed on the Register of Interests.
- 8.2. **You must**, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Authority's Monitoring Officer in writing of that new Disclosable Pecuniary Interest or change. Subject to paragraph 14 (sensitive interests), such notifications will be placed on the Register of Interests.

## 9. Disclosable Pecuniary Interests in matters considered at Meetings

- 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) **you must disclose** to the Meeting the existence and nature of the Disclosable Pecuniary Interest in that matter unless paragraph 14 (sensitive interests) applies. **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's Monitoring Officer –
    - (i) participate, or participate further, in any discussion of the matter or vote at the Meeting; or
    - (ii) remain in the Meeting whilst the matter is being debated or participate in any vote taken on the matter at the Meeting.

**Note: Council Procedure Rule X requires you to leave the room where the Meeting is held while any discussion or voting takes place on a matter, which is a Disclosable Pecuniary Interest or affects that Disclosable Pecuniary Interests.**

### Other Interests

## 10. Personal Interests

- 10.1. You have a Personal Interest in any business of the Authority where –
- (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) the interests of any person or body from whom you have received a gift or hospitality as a Member, with an estimated value of at least £100 in the last 3 years; **or**
  - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being<sup>1</sup> or the well-being a person or body listed in 10.2, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward

<sup>1</sup> Defined as anything that could affect quality of life either positively or negatively.

or electoral area for which you have been elected or otherwise of the authority's administrative area,

*AND that interest does not otherwise fall into the category of a Disclosable Pecuniary Interest.*

- 10.2. (a) a member of your family or any person with whom you have a **close friendship**; or  
(b) any person or body or firm who employs or has appointed or are in partnership with those detailed in 10.2(a), (as an employee, partner or director);  
(c) any person or body in whom those detailed in 10.2(a) have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or  
(d) any body or person described in 10.1(a)(i) or (ii).

## 11. Registration of Personal Interests.

11.1 **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 Personal Interests you have detailed under 10.1(a)(i)-(iii) and  
subject to paragraph 14 (sensitive interests), such notifications will be placed on the Register of Interests.

11.2 **You must**, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Authority's Monitoring Officer in writing of that new Disclosable Pecuniary Interest or change. Subject to paragraph 14 (sensitive interests), such notifications will be placed on the Register of Interests.

## 12. Declaration of Personal Interests and participating in any Meeting where these are discussed

12.1 If you attend a Meeting at which any item of business is to be considered and you are aware that you have a Personal Interest in that item, then **you must** make a verbal declaration of the existence and nature of that interest at the outset of the Meeting or before the consideration of the item of business.

12.2 Sub-paragraph 12.1 only applies where you are aware or ought reasonably to be aware of the existence of the Personal Interest.

12.3 Where you have a Personal Interest in that item of business you may remain in the Meeting, debate and vote on the item.

## 13. Prejudicial Interests, declarations and exercising a Speaking Right in any Meeting where these are discussed

13.1 If you attend a Meeting at which any item of business is to be considered and you are aware that you have a Prejudicial Interest (as defined in paragraph 1.5) in that item, then, subject to paragraph 14 (sensitive Interests) **you must** make a verbal declaration of the existence and nature of that interest at the outset of the Meeting or before the consideration of the item of business. If you wish to exercise a Speaking Right (as defined in paragraph 1.5), you should make a verbal declaration to this effect at this time.

13.2 Subject to 13.3, where you have a Prejudicial Interest in any item of business, then unless you have obtained a dispensation from the Authority's Monitoring Officer, **you must not**  
(a) participate, or participate further, in any discussion of the matter or vote at the Meeting; or

(b) remain in the Meeting whilst the matter is being debated or participate in any vote taken on the matter at the Meeting.

13.3 Where you have a Prejudicial Interest, you may exercise a Speaking Right and then **must** leave the Meeting where the business is being discussed. **You must not participate in any debate or vote.**

#### 14. Sensitive interests

14.1 Where you consider (and the Authority's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Personal or Prejudicial 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. Details of the Sensitive interest do not need to be disclosed on the Register of Interests or to a Meeting, although the fact that you have a Sensitive interest, will be placed on the Register of Interests as being withheld under section 32(1), or section 1 Localism Act 2011, and disclosed at any Meeting. The obligations in relation to participation in Meetings under paragraphs 12 and 13 still, otherwise, apply.

#### Note: Register of interests

Interests notified to the Monitoring Officer will be on a specified form approved for the purpose by the Monitoring Officer and for this purpose will be deemed the "register of interests". A copy of the Register of Interests will be available for public inspection and will be published on the Authority's website.

### Appendix A

#### Disclosable Pecuniary Interests

This note explains the requirements of the Localism Act 2011 (Ss 29-34) 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

<i>Disclosable Pecuniary Interest</i>	<i>description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	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.
Contracts	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.
Land	Any beneficial interest in land, which is within the area of the relevant authority.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (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.

### **Offences**

It is a criminal offence to

- Fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election



## APPENDIX B

- 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 (without a dispensation)
- 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.**

**Appendix B****Dispensation grounds:**

The Authority's Monitoring Officer may grant a dispensation only if, after having had regard to all relevant circumstances, the Monitoring Officer 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 as to impede the transaction of the business,
- 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,
- granting the dispensation is in the interests of persons living in the Authority's area, or
- considers that it is otherwise appropriate to grant a dispensation.

A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.