

Swindon Borough Council

Standards Committee

Monday, 30 April 2007

Committee Room 1, Civic Offices, Swindon
(Anticipated meeting room)

At 5.00 p.m.

Councillors

Melanie Duff
Peter Stoddart (Deputy)
(Conservative)

Maurice Fanning
Fay Howard (Deputy)
(Labour)

Martin Wiltshire
(Liberal Democrat)

Independent Members

Mr Keith Carby (Chair)
Mr Trevor Davies (Vice-Chair)

Parish Representative

Mr Mike Compton
Mr Richard Hailstone (Deputy)

(Copy to all other Members of the Council – For Information)

Committee Officer: Sarah Lawrence (Telephone 01793 463603)
email: slawrence@swindon.gov.uk

Swindon Borough Council can be contacted at the Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 463000)

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are requested at the start of the meeting to declare any known interests in any matter to be considered, and are reminded that any such interest should also be declared at the start of an item or during any discussion of the matter concerned.

3. Minutes (Pages 1 - 2)

4. Public Question Time

(See explanatory note below. Please phone the Committee Clerk whose name and number appears at the top of this agenda if you need further guidance.)

5. Adoption of a new Code of Conduct for Members of Swindon Borough Council (DLDS-R) (Pages 3 - 22)

20 April 2007 (being date of agenda despatch)

Key:

DLDS- R Director of Law and Democratic Services

Public Question Time - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

Access Arrangements - The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Officer, whose name appears at the top of this agenda, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

Standards Committee - Terms of Reference

The Standards Committee has the following roles and functions in accordance with Article 9 of the Council's Constitution:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members including church and parent governor representatives;
- (b) assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) recommend training on any aspects of conduct and behaviour for Councillors and officers where it considers it would be of benefit;
- (f) approving other codes of conduct and behaviour which apply to Councillors, employees, contractors and any other parties or organisations associated with Council activity (for employees approval will be subject to agreement through recognised negotiating machinery where appropriate).
- (g) receiving from the Council's Monitoring Officer details of all allegations of any breach of the Code of Conduct;
- (h) determining any matters which may be referred to it by the Monitoring Officer or the Standards Board for England;
- (i) supporting the Council's Monitoring Officer in discharging his/her role;
- (j) granting dispensations to councillors and co-opted members, including church and parent governor representatives, from requests relating to interests set out in the Members Code of Conduct;
- (k) To also exercise (a) to (j) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (l) ensure the Council's complaints procedure operates effectively in relation to standards of conduct and behaviour of staff and in particular
 - receive annual reports on its operation
 - receive regular monitoring reports on complaints in relation to standards of conduct and behaviour that have resulted in a final warning to a member of staff
 - adjudicate upon all complaints which remain unresolved

- require Service Managers to report upon any areas of activity which may have been the subject of criticism in respect of standards of conduct and behaviour
 - approve and publish an annual report upon the operation of the system;
- (m) report to the Council when it considers:-
- standards of conduct and behaviour in a particular area need reviewing, and
 - the level of commitment necessary to resolve these difficulties should be greater;
- (n) approve and monitor the Council's anti-fraud strategy and whistle-blowing procedures and ensure they operate effectively;
- (o) recommend to the Council the payment of compensation or the taking of any other action relating to standards of conduct and behaviour where this is considered appropriate;
- (p) report to the Council on the result of any investigation into the standards of conduct and behaviour of a Member;
- (q) approve procedures associated with the appointment of an independent remuneration panel for Councillors' Allowances.

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STANDARDS COMMITTEE HEARINGS PANEL

FRIDAY, 23 MARCH 2007

PRESENT:- Mr Trevor Davies (Chair), Mr Paul Morris, Mr Mike Compton, Councillor Melanie Duff and Councillor Fay Howard.

30. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

31. Public Question Time

No public questions were received during the meeting.

32. Hearing of Complaint in Respect of Parish Councillor – W J Smith

The Standards Committee Hearings Panel met to conduct a Hearing of Complaint in respect of an allegation that Mr W J Smith, a Wanborough Parish Councillor, had breached the Wanborough Parish Council's Code of Conduct by declaring an interest in his planning applications, but failing to withdraw from meetings during which his planning applications were discussed.

The complaint had been referred by the Standards Board for England for local investigation and determination to Swindon Borough Council's Monitoring Officer. The referral was dealt with in accordance with Statutory Guidance and the Council's own adopted Hearings Procedure.

In accordance with the adopted Hearings Procedure, the Monitoring Officer appointed Miss Karen Tricky of Foot Anstey Solicitors, as the Investigating Officer and she attended the meeting to present her report. Mr W J Smith was present at the meeting and elected to present his own case to the Committee.

The Investigator did not call any witnesses in support the findings of her report, as Mr Smith had indicated that he did not dispute the facts. Mr W J Smith called one witness, Mr Bill Suter, Chair of Wanborough Parish Council, to support his description of the proceedings of Wanborough Parish Council.

Resolved – (1) That, having considered the evidence presented by both parties to the case, this Committee determines that Mr W J Smith had breached Wanborough Parish Council's Code of Conduct by failing to withdraw from the room as required by paragraph 10, during the Parish Council's discussion and determination of applications in which he had personal and prejudicial interests at meetings on 4th September 2002, 26th January 2004 and 2nd February 2006.

2) That Mr W J Smith's apology is noted.

3) That, further to (1) and (2) above, the Hearings Panel imposes the following sanctions on Mr W J Smith in respect of his breach of paragraph 10 of Wanborough Parish Council's Code of Conduct:

- (i) That Mr W J Smith be censured in relation to the failure to leaving the room following the declaration of a prejudicial interest.
- (ii) That Mr W J Smith must receive appropriate training, to the satisfaction of the Monitoring Officer, within 3 months of the date of this hearing.
- (iii) That if Mr W J Smith has not received the appropriate training as set out above by 22nd June 2007, he will suspended as a Parish Councillor for a

period of 1 month from 23rd June 2007 to 22nd July 2007.

4) That, in addition to the formal sanction set out in 3) the Standards Committee Hearings Panel makes the following recommendations:

- i) That all Wanborough Parish Councillors should attend training on the Code of Conduct within the next 3 months.
- ii) That the Clerk to Wanborough Parish Council should undertake training on the Code of Conduct, and receive a briefing from the Monitoring Officer as to her roles and responsibilities, within the next 3 months.
- iii) That the Monitoring Officer should make available to Parish Council Chairs and Vice-Chairs any training sessions on chairing of meetings that are arranged for Borough Councillors.
- iv) That Wanborough Parish Council be requested to invite the Monitoring Officer and a Standards Committee Independent Member to attend a future meeting of the Parish Council to discuss any issues arising from this matter.
- v) That the Monitoring Officer circulate a summary of this matter, together with this decision, to all Parish Councils in the Borough of Swindon and ask the Clerks to confirm that they are satisfied that their Parish Council is operating in accordance with the Code of Conduct.

**Adoption of a new Code of Conduct
for Members of Swindon Borough Council**

Standards Committee

Date: 30th April 2007

Author: Director of Law and Democratic Services (Monitoring Officer)

Parish/Wards Affected: All

Purpose

- To report on the new Model Code of Conduct for Local Authority members (the Code) and to agree that it be adopted by Swindon Borough Council in place of its existing Code of Conduct, and to recommend that Parish Councils within Swindon do likewise.

Recommendation

It is Recommended that:

- Council be recommended to adopt the Model Code of Conduct issued by the Secretary of State for Communities and Local Government as set out in the Local Authorities (Model Code of Conduct) Order 2007 [‘the Code’], together with a preamble incorporating the ten general principles governing the conduct of members, in place of its existing Code;
- Parish Councils within Swindon be recommended to adopt the Code and preamble;
- All members and co-opted members of Swindon Borough Council be requested to attend the training session on the new Code which has been arranged for members on the 13th June 2007, and all members be encouraged to attend the introductory session on 9th May 2007 which has been arranged as part of the Induction for new members;
- It be noted and welcomed that two training sessions on the new Code have been arranged for Parish Councillors on 10th May and 24th May; and
- The consequential changes to the Council’s existing Codes and Protocols needed as a result of the adoption of the Code be included in the Standards Committee Work Programme for 2007/08.

1. Reasons

- 1.1 It is a function of the Standards Committee to advise the Council on the adoption or revision of the Members’ Code of Conduct.

Further information on the subject of this report can be obtained from Stephen Taylor on Direct Dial on 01793 463012 or Email staylor@swindon.gov.uk.

Adoption of a new Code of Conduct for Members of Swindon Borough Council

Standards Committee

Date: 30th April 2007

2. Detail

Background

- 2.1 Members last considered proposals for a revised Members Code of Conduct at the Standards Committee meeting on 26th February 2007, and agreed a response to the Consultation Paper issued at that time.
- 2.2 Following the consultation process, the Secretary of State for Communities and Local Government made the Local Authorities (Model Code of Conduct) Order 2007 on 2nd April 2007. The Order contains a new Model Code, which is attached as Appendix '1'. Under Section 51 of the Local Government Act 2000, it is the duty of a Local Authority to adopt the new Model Code within 6 months of the making of such an Order.
- 2.3 The Standards Board for England is issuing general Guidance on the Code and the current recommendation from the Standards Board is that Local Authorities should adopt the new Code in its model form without amendment. This is to give certainty to members and the public as to what standards are expected; ensure consistency throughout England, and minimise the legal risk of adopting additional provisions that are unenforceable. The Standards Board, however, do recommend that local authorities include a preamble to the Code which outlines the ten general principles governing the conduct of members. The suggested preamble is set out as Appendix '2'.
- 2.4 As the new Code substantially relaxes the restrictions on members making representations where they have a prejudicial interest, it is considered that there is no merit in continuing to apply such restrictions and that the new Code should be adopted by the Council at the earliest opportunity. Accordingly, a special meeting of Standards Committee has been convened in order that it can recommend that the new Code be adopted at the Annual Meeting of the Council on 18th May 2007.
- 2.5 On that basis, it is intended as part of the induction process for new members to give training on the new Model Code. It is recommended that all members be encouraged to attend the introductory session for new members on **9th May**, which has been arranged as part of their Induction. This is so that all members are equipped with a basic knowledge of the Code in relation to meetings taking place before the detailed training session that has been arranged for **13th June 2007**, which all members and co-opted Members should attend. Further training sessions for each Political Group or individual members can be arranged with the Monitoring Officer if required.

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- 2.6 It is to be welcomed that the Monitoring Officer and the Parish Clerks have arranged for two training sessions for Parish Councillors on 10th May (Haydon Wick Parish Council offices) and 24th May (Ellendune Centre).

Summary of Changes to the Code

Preamble

- 2.7 The 10 Principles are derived from the original Nolan Committee's Principles of Public Life. They set out the basis for the obligations contained within the Code and may be a helpful summary for members of the ethical framework within which they should act. Compliance with the Principles is not of itself a statutory obligation but failure to act in accordance with the Principles could potentially result in a breach of the Code as constituting, for example, conduct which could reasonably be regarded as bringing a member's office or authority into disrepute.

Comment:

- 2.8 **Members could decide not to include the preamble. This would not change the nature of the obligations under the Code but would remove the context and basis within which the Code has been drafted and how it is likely to be interpreted.**

Scope

- 2.9 As before, the Code is intended to apply when a member is acting in an official capacity. Although not well phrased, para 2.3 of the Code states that in some circumstances the Code will also apply to conduct in a private capacity, but only where a criminal conviction has been imposed as a result of it. The 3 instances set out in the Code where this is the case are in relation to intimidation (para 3.2.c); bringing the office or authority into disrepute (para 5); and improperly seeking an advantage (para 6.a). The last 2 instances were also included within the previous Code.
- 2.10 Until the proposed amendments to section 52 of the Local Government Act 2000, which are currently before Parliament, reinstate the situation prior to the decision in the *Livingstone* case, only in very limited circumstances will the Code apply to conduct outside of a member's official capacity.

Comment:

- 2.11 **The new provisions are broadly in line with the Standards Committee's own previously expressed view that only criminal**

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activity of a sufficiently serious nature (ie imprisonable) should be able to be taken into account in determining if a member is bringing the Council into disrepute. As drafted, however, any criminal conviction is capable of being taken into account. There may well, therefore, be local variations of interpretation on the weight to be given to various criminal convictions when local filtering is introduced. Conversely, it appears that the Code will have no application where there is no conviction as, for example, where a caution is received for a violent crime.

General Obligations

- 2.12 The positive obligation to treat others with respect remains (para 3.1 refers). Rather than being required to promote equality as under the existing Code, however, the new Code requires members not to do anything that may cause the authority to breach any of the equality enactments (para 3.2.a). A new requirement not to bully any person has been inserted (para 3.2.b).
- 2.13 The provisions regarding confidentiality have been changed to also allow disclosure of confidential information if it is reasonable and in the public interest to do so, and if disclosure is made in good faith and in compliance with the reasonable requirements of the authority (para 4.a.iv).
- 2.14 There is a new obligation on members to have regard to the Code of Recommended Practice on Local Authority Publicity (para 6.c). Members will be familiar with this as it has been the subject of previous advice issued by the Monitoring Officer, especially during the election period, and it is also the basis of the Council's own Media Guidelines which are set out in the Constitution and which are currently being reviewed.
- 2.15 The obligation to have regard to any relevant advice given by the Monitoring Officer and the Chief Finance Officer has been retained and strengthened (para 7.1).
- 2.16 There is no longer any requirement on members to report any breaches of the Code to the Standards Board.

Comment:

- 2.17 **There was a concern in some quarters that under the current Code the obligation to promote equality inhibited the expression of opinions and beliefs. It is clear now that members are able to express their views but the Guidance from the Standards Board is**

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likely to stress that members must be careful not to discriminate against other people when so doing.

- 2.18 The new bullying provision is likely to be the subject of further Guidance from the Standards Board which will stress that whereas offensive, intimidating or insulting behaviour is likely to constitute a breach of the new Code, this should be contrasted with legitimate challenges to fellow councillors or officers as to why they hold their views or have given particular advice. Personal criticism or attack, however, is likely to cross the line of what is acceptable behaviour.**
- 2.19 So far as the new confidentiality provisions are concerned, detailed Guidance is to be issued by the Standards Board as to the nature of the 'public interest' test that should be satisfied before disclosure together with an emphasis on the need to raise concerns through the proper channels before disclosure. It would be helpful if the same criteria as is used in relation to release of Committee Papers could be applied and no doubt the Standards Board will consider this issue. So far as Swindon is concerned, it is suggested that members be asked to contact the Monitoring Officer for advice before they release any confidential information.**

Declarations of Interest – Personal Interests

- 2.20 The new list of personal interests required to be registered in the Register of Members Interests (para 8.1.a) is very similar to the current list. To the current list, however, has been added a new personal interest; namely, where it relates to or is likely to affect the interests of any person from whom at least £25 worth of gift or hospitality has been received (para 8.a.viii). Although such gifts or hospitality did need to be registered under the current Code, receipt did not constitute a personal interest and did not need to be declared at meetings.**
- 2.21 A personal interest should be declared at a meeting if it is registered in the Register of Members' Interests. A personal interest should also be declared where the matter under discussion might reasonably be regarded as affecting the well-being or financial position of the member, or '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.**
- 2.22 The list of relevant people includes family or 'any person with whom you have a close personal association' as well as employers of those people. A member is, however, only liable to declare the interest if aware or ought reasonably to be aware of its existence.**

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- 2.23 Personal Interests as listed in para 8.1.a should be registered in the Register of Members' Interests, which is maintained by the Monitoring Officer, and changes notified within 28 days, as now (para 13). If a Personal Interest arises at a meeting, then the existence and nature of the interest should generally be declared at the outset whether or not the member intends to speak (para 9.1).
- 2.24 Where the personal interest relates to a body to which the member has been nominated or appointed by the Council, or relates to a body exercising functions of a public nature, then the new Code proposes that the personal interest need only be declared at meetings where the member actually speaks on the relevant issue (para 9.2).
- 2.25 As now, if a Personal Interest is declared which is not prejudicial, the member may stay, speak and vote.
- 2.26 There are some detailed provisions with regard to disclosure of particular interests that members will need to acquaint themselves with in case any apply to their own circumstances. Details of 'sensitive information' that could create a serious risk of violence or intimidation need not be disclosed (para 9.5) or registered (para 14) provided the Monitoring Officer agrees.

Comment:

- 2.27 **The Personal Interest test under the current Code refers to a member having such an interest if a decision upon it might reasonably be regarded as affecting the well being or financial position of the member, a relative or a friend to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area.**
- 2.28 **The new Code has removed the reference to 'friend' and has used a wider term covering any person with whom the member has a 'close association'. Conversely, the number of declarable personal interests could be argued as likely to be reduced by restricting declarations to those matters affecting the majority of the inhabitants of the ward affected by the decision. The term 'family' is no longer defined.**

Prejudicial Interests

- 2.29 The basic prejudicial interest test is the same as now; namely, that where there is a personal interest, then the interest is also prejudicial where it is one which a member of the public, with knowledge of the relevant facts,

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would reasonably regard as so significant that it is likely to prejudice the members judgment of the public interest (para 10.1).

- 2.30 The new Code, however, provides (para 10.2) that a member does not have a prejudicial interest where:
- the matter under discussion does not affect the financial position of the member, or any person or body described in para 8 in relation to whom a member may have a personal interest;
 - the matter does not relate to the determining of any approval, consent, licence, permission or registration in relation to the member, or any person or body described in para 8 in relation to whom a member may have a personal interest;
 - the matter relates to specific exceptions such as housing; school meals, school transport and travel expenses; statutory sick pay; members allowances, payments or indemnities; ceremonial honours; or setting the council tax.
- 2.31 The exceptions set out above do need to be carefully studied as a number of them are different than the current position and Members need to ensure that they are familiar with them.
- Effect of Prejudicial Interests on participation
- 2.32 The basic rule is as now; namely that unless a dispensation has been obtained from the Standards Committee, a member with a prejudicial interest must withdraw from the room or chamber. Prior to withdrawing, however, under the new Code a member with a prejudicial interest may make representations, answer questions or give evidence at a meeting open to the public, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. After speaking, the member must then immediately withdraw from the room or chamber.
- 2.33 The intention is to ensure that a member has the same right as an ordinary member of the public to speak at a meeting open to the public despite having a prejudicial interest.
- 2.34 The current requirements not to exercise executive functions where there is a prejudicial interest, or to improperly influence a decision are repeated in the new Code.

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Adoption of a new Code of Conduct for Members of Swindon Borough Council

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Comment:

- 2.35** There are two important changes to the section of the Code dealing with prejudicial interests. The first change is that a member will have same right as any member of the public to address the meeting even if that member has a prejudicial interest. After speaking, however, the member will then need to immediately withdraw from the room. This will, for example, allow members who belong to special interest groups or who were elected on a particular issue to make representations at a meeting open to the public.
- 2.36** The second significant change concerning the list of exemptions relates to the way the Code is worded. Currently, if one of the exemptions applies a member may regard him or herself as not having a prejudicial interest. This means that a member has to make a conscious decision whether or not to take advantage of one of the exemptions or whether to declare a prejudicial interest. In the new Code, it is clearly stated that a member does not have a prejudicial interest in one of the matters in the list of exemptions so there is no discretion in the matter any longer.
- 2.37** Perhaps the most significant exemption is where the matter under discussion does not affect the financial position of the member or any person or body in whom the member has a financial interest. This, in effect, is reviving the old 'pecuniary interest' test so that if there is no pecuniary or financial interest, then the member does not have a prejudicial interest to declare unless the matter relates to a licensing or regulatory matter affecting the member, or person or body in which the member may have a personal interest.
- 2.38** It was hoped by a number of Monitoring Officers that the new Code would include a specific section on 'bias and predetermination' but this has not been done, so members will still need to separately consider whether they are approaching an issue with an open mind and able to take part in the discussion even if they do not have a prejudicial interest because the outcome would have no effect on their financial position.

Summary

- 2.39** There have been a number of significant changes from the current Code and, indeed, from the Code issued for consultation earlier this year. The delicate balance between the freedom of members to act as local advocates, and the need to ensure that decisions are made without the improper influence of personal interests has been re-examined in the new

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Code and greater participation by members with prejudicial interests has been allowed.

- 2.40 There will be consequential changes needed to the Council's existing Codes and Protocols as a result of the adoption of the Code, and it is suggested that these be included in the Standards Committee Work Programme for 2007/08.

Alternative Options

- It is a statutory duty to adopt the Code. If not adopted within 6 months, it will automatically be applied. Although it is possible to make amendments, the advice from the Standards Board for England is that this is not done for the reasons set out earlier.

Risk Management

Financial and Procurement Implications

- None

Legal / Human Rights Implications

- The Code regulates the actions of Councillors. It is considered that any interference with individual rights is proportionate.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

- The adoption of new Code of Conduct underpins the delivery of the Corporate Plan and its aim in 'Transforming the Organisation' for strong and effective leadership and for Council's leaders to be role models of the behaviour and values set out in the Corporate Plan.

Consultees

- Chief Executive
- Group Director, Resources
- The Director of Finance (Section 151 Officer) and the Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.

Background Papers and Appendices

- Appendix '1' – The new Model Code
- Appendix '2' – Preamble setting out the 10 Principles

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Swindon Borough Council

MEMBERS CODE OF CONDUCT

Part 1 – General Provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State as set out in the preamble to this Code.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
“meeting” means any meeting of—
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;“member” includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in

relation to your conduct other than where it is in your official capacity.

- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) 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.

General obligations

- 3. (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 (as defined in section 33 of the Equality Act 2006;
 - (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) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an

authority are deemed to include a police officer.

4. 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. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. 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.
7.
 - (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
 - (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,where that officer is acting pursuant to his or her statutory duties.
 - (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 - Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either—
- (a) it relates to or is likely to affect—
- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
 - (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive

information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority 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.
- (7) 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

Prejudicial interest generally

- 10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial 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 judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) 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; or
 - (c) 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;
 - (iv) any ceremonial honour given to members; and
 - (v) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3 - Registration of Members' Interests

Registration of members' interests

13. (1) 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 or appointment to office (where that is later),
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (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 subjected to violence or intimidation.

Table 1 – The Ten General Principles of Public Life

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

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

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – members should 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 particular office.

Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – members should promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

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