

PLYMOUTH CITY COUNCIL

Subject: Constitutional changes related to standards
Committee: Council
Date: 25 June 2012
Cabinet Member:
CMT Member: Assistant Director for Democracy and Governance
Author: Tim Howes, Solicitor and Monitoring Officer
Contact: tim.howes@plymouth.gov.uk
Ref:
Key Decision: N/A
Part: I

Purpose of the report:

The purpose of the report is:

- To provide an interim position on standards and the code of conduct.
- To recommend that the Monitoring Officer in consultation with the constitutional review group and the group chief whips, draft a new code of conduct for consideration by the Council

Corporate Plan 2011 – 2014:

This report reflects the ethos of open government and clarity on decision making as set out in the emerging revised Corporate plan. It also complies with the Council's constitutional requirements.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

The cost of the recommendations will be covered by existing budgets.

Other Implications: e.g. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

There are no direct implications.

Recommendations & Reasons for recommended action:

It is recommended:

In respect of the Council's standards regime, pending the creation of a locally created scheme:

1. The Council's Standards Committee is replaced with an informal standards advisory group of six members with three members from each political group.
2. The present Code of Conduct as amended is maintained as an interim measure from 1st July 2012.
3. The post of Independent Person be advertised (with no remuneration) with consideration being given to appointing a Monitoring Officer from an authority within Devon or Cornwall on a reciprocal basis.

4. The Monitoring Officer be instructed to draft a revised code of conduct in consultation with the constitution review group and group chief whips

Alternative options considered and reasons for recommended action:

In respect of recommendation 1-3.

Given the need to implement a new regime from the 1st July 2012, the recommended action provides a pragmatic solution until a more permanent solution can be agreed by council.

In respect of recommendation 4.

This provides a mechanism for a new code of conduct to be drafted for future adoption by the Council.

Background papers:

Plymouth City Council Constitution

Localism Act 2011

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Sign off:

Fin mc12 13.00 3		Leg		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member Timothy Howes, Solicitor											
Have you consulted the Cabinet Member(s) named on the report? Yes / No											

A. An interim position on standards and the code of conduct

The Localism Act 2011 is intended to bring in substantial changes to the standards regime with effect from July this year. The Council will still need to have a code of conduct based on similar principles as currently adopted with the addition of requirements covering ‘disclosable pecuniary interests’. The Regulations on disclosable pecuniary interests were finally published on the 8th June 2012.

There is no common approach to a new code of conduct with several draft national codes, and no locally agreed code. Given the limited time, it is not possible to draft and agree a final code before the implementation date of 1 July 2012. Consequently this report sets out an interim solution and interim code until proper consideration can be given to a code of conduct for Plymouth City Council.

The impact of the Localism Act on the standards regime was considered by the standards committee on the 8th March 2012 and subsequently by the constitution review group. Given the lack of clarity from central government and the need to have something in place from July, this report sets out some interim arrangements to provide a ‘stop gap’ solution until the situation becomes clearer.

From 1st July we need to have adopted a ‘new code of conduct’ and as an interim arrangement it is recommended that we maintain the existing code until a revised code based on the new regulations can be agreed. However we will omit provision 13 which requires someone with a prejudicial interest to leave the meeting and to not take part in the decision. It is also recommended that those members with ‘disclosable pecuniary interests’ are required to leave the meeting.

In order to comply with any new draft regulations it is also recommended that the Council adds a new provision 16 to the Code of Conduct:

“16 From 1 July 2012 all Councillors will comply with the requirements of the Localism Act 2011 and any regulations made under it in respect of disclosable pecuniary interests and will leave any meeting for any item of business in which they have a pecuniary interest.

The Standards Committee as presently constituted includes a number of independent members who will no longer be required as a result of the Localism Act. However the Council will be required to appoint an Independent Person with the following functions:

- They must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the code of conduct or decides on any action to be taken in respect of that member.
- They may be consulted by the authority in respect of a standards complaint at any other stage.

It is therefore recommended that the Standards Committee be replaced by a ‘standards advisory group’ of six members, three from each of the two political groups. The role of the ‘standards advisory group’ will be as a body which the Monitoring Officer may consult in his consideration of breaches of the code of conduct.

The new sanctions for breaches of the code are:

- A formal letter to the councillor
- Formal censure by motion
- Removal by the authority of the member from committees subject to statutory and constitutional requirements
- Press release or other appropriate publicity

The post of Independent Person will be advertised (with no remuneration) with consideration being given to appointing a Monitoring Officer from an authority within Devon or Cornwall on a reciprocal basis.

The interim Code is attached as an appendix.

COUNCILLORS CODE OF CONDUCT

The Model Code of Conduct

1 The Council has adopted the Model Code of Conduct in the schedule to the Local Authorities (Model Code of Conduct) Order 2007. It has also included a local requirement that all Councillors undertake a Criminal Record Bureau check.

2 **Who does the code apply to?**

The code applies to Councillors and voting co-opted members of committees and all members of the Standards Committee.

3 **When does the code apply?**

The code applies to behaviour that is linked to being a Councillor. It applies to behaviour after a Councillor is elected and to any behaviour before a Councillor is elected which leads to a criminal conviction after they are elected.

4 **Does the code apply when Councillors represent the Council on another body?**

When Councillors are representing the Council on another body, they must follow the code unless it conflicts with a legal duty of the other body.

5 **Respect and equality**

The code says Councillors must treat other people with respect and must not bully anyone. They must not do anything that could lead the Council to break equality laws.

6 **Intimidation**

The code says Councillors must not intimidate or try to intimidate anyone who is likely to:

- complain about the code being broken or
- act as a witness or
- be involved in dealing with a complaint

7 **Impartiality of Council officers**

The code says Councillors must not do anything which would be likely to prevent officers or contractors from being impartial.

8 **Information**

The code says Councillors must not stop anyone getting information they have a legal right to.

Councillors must not pass on information given to them in confidence or information they should know is confidential unless:

- they are required to by law or

- they have the consent of someone authorised to give it or
- it is to get professional advice and the person given the information agrees not to pass it on to anyone else or
- passing on the information is reasonable and in the public interest and the Councillor is acting in good faith and has asked the Monitoring Officer for his/her view

9 Disrepute

The code says Councillors must not do anything which could be seen to bring the Council or the role of Councillor into disrepute.

10 Misuse of position

The code says Councillors must not try to use their position improperly to gain an advantage or disadvantage for themselves or others.

11 Use of Council resources

The code says that when Councillors use the Council's resources or let other people use them, they must follow any reasonable rules set by the Council and make sure that resources are not used improperly for political purposes.

12 Publicity

The code requires Councillors to take into account the [Code of Recommended Practice on Local Authority Publicity](#).

13 Advice of Monitoring Officer and Responsible Finance Officer

The code says Councillors must consider any advice given by the Monitoring Officer or Responsible Finance Officer when taking decisions.

14 Giving reasons for decisions

The code says Councillors must give reasons when required to by the law or by any Council procedures.

15 Personal interests at meetings

The code lists personal interests that must normally be declared at meetings of Council and the Cabinet and their committees and sub-committees.

- Councillors or independent or co-opted members of a Council committee have a personal interest **in the issue being discussed in the meeting** if it affects their well-being or their finances or the finances of their family or their close associates more than most other people who live in the ward affected by the issue
- or if it relates to an interest they **must register** (see section 19.22)

16 What if a Councillor has a personal interest?

If a Councillor has a personal interest in an item, they must declare it at the start of the item (or when they realise they have an interest if that is later). This involves saying they have an interest and what the interest is. There are two exceptions to this:

- a Councillor is not required to declare an interest that they do not know about and could not be expected to know about
- if describing an interest would involve revealing sensitive information ([see paragraph 20](#)), a Councillor need only say that they have an interest – they need not say what the interest is

Once a Councillor has declared a personal interest, they can stay in the meeting and speak and vote, unless the personal interest is also a prejudicial interest ([see section 17](#)).

17 When is a personal interest also a prejudicial interest?

The code says that a personal interest is a prejudicial interest if:

- the Councillor has a personal interest in a Council decision about a regulatory matter such as a planning application or licensing application, or in an issue that affects their finances
- the Councillor's friends or close associates have an interest in a Council decision about a regulatory matter such as a planning application or licensing application, or in an issue that affects their finances
- a member of the public who knew all the facts could reasonably consider this likely to affect the Councillor's judgement of the public interest

There are some exceptions; an interest is not a prejudicial interest if it is an interest in:

- Councillor's allowances, expenses or insurance
- ceremonial honours given to Councillors
- Council Tax setting
- school meals or school transport and travelling expenses if the Councillor is the parent or guardian of a child in full time education unless it relates particularly to the school their child attends
- school meals or school transport and travelling expenses if the Councillor is a parent governor unless it relates particularly to the school of which they are a governor

There is another way that a Councillor can have a prejudicial interest: if an Overview and Scrutiny Panel or the Overview and Scrutiny Management Board is looking at a decision of the Cabinet or a Council committee or sub-committee, a Councillor will have a prejudicial interest if they were involved in taking the original decision.

18 What if a Councillor has a prejudicial interest?

This section has been removed as a result of the Council decision of 25, June 2012, Minute Number ..

19 Registering interests

The code requires Councillors to register certain interests by writing to the Monitoring Officer within 28 days of the code starting to apply to them or 28 days of finding out that their interests have changed. There is an exception when sensitive information is involved ([see paragraph 20](#)). The interests that must be registered are:

- any outside body the Council has put the Councillor on
- any organisation the Councillor is a member of or involved in managing or directing that does public work or has charitable goals or whose main purposes include influencing public opinion or policy
- any employment or business the Councillor has
- anyone who employs the Councillor or has appointed the Councillor to work for them
- anyone who has contributed to the Councillor's election expenses

- anyone (except the Council) who has contributed to the Councillor's expenses as a Councillor
- anyone who gives the Councillor a gift or hospitality worth £25 or more – this only applies to gifts or hospitality that are linked to being a Councillor
- any land in Plymouth the Councillor has a beneficial interest in or permission to occupy for 28 days or longer
- any organisation which has land or a place of business in Plymouth and in which the Councillor has a beneficial interest in securities with a nominal value over £25,000 or more than 1 per cent of the total shares issued to shareholders
- any contract for goods, works or services between the Council and any of the following; the Councillor, a firm where the Councillor is a partner, a company where the Councillor is a paid director, or an organisation which has land or a place of business in Plymouth and in which the Councillor has a beneficial interest in securities with a nominal value over £25,000 or more than one per cent of the total shares issued to shareholders
- any land which the Council leases to any of the following: the Councillor, a firm where the Councillor is a partner, a company where the Councillor is a paid director or an organisation which has land or a place of business in Plymouth and in which the Councillor has a beneficial interest in securities with a nominal value over £25,000 or more than one per cent of the total shares issued to shareholders

(A 'beneficial interest' is an interest that can be benefited from. A person would have a beneficial interest in something that belonged to them or that was being held for them in a trust. 'Securities' are stocks, shares, bonds or anything else that pays interest or dividends. The 'nominal value' of a share is the value shown on the share certificate).

20 Sensitive information

Information about a Councillor's interests is sensitive if making it public would be likely to create a serious risk of violence or intimidation to the Councillor or someone they live with. Councillors do not have to include information in the register of interests if the Monitoring Officer agrees that it is sensitive. If a Councillor finds out that the information has stopped being sensitive, they must tell the Monitoring Officer within 28 days and ask for it to be included in the register.

21 General principles of public life

The code of conduct should be read together with the general principles of public life in the Relevant Authorities (General Principles) Order 2001. These are:

- selflessness: Councillors should serve the public interest; they should not advantage or disadvantage anyone improperly
- honesty and integrity: Councillors should avoid situations where their honesty may be questioned
- objectivity: Councillors should make decisions on merit, including when they make appointments, award contracts or recommend people for awards or benefits
- accountability: Councillors should be accountable to the public for their actions and for how they carry out their responsibilities; they should co-operate fully with any appropriate scrutiny
- openness: Councillors should be as open as possible about their own and the Council's actions; they should be prepared to give reasons for actions
- personal judgements: Councillors may take account of other people's views, including the views of their political group, but they should make up their own minds when deciding how to act
- respect for others: Councillors should not discriminate unfairly; they should allow Council officers to act with honesty and without bias

- duty to uphold the law: Councillors should follow the law and remember that they are trusted by the public
- stewardship: Councillors should try to ensure Council resources are used legally and wisely
- leadership: Councillors should promote these principles by leadership and example; they should act in a way that achieves public confidence

22 The Localism Act 2011

The Localism Act 2011 creates a new class of interests pecuniary which a Councillor will need to disclose from 1 July 2012.

If a Councillor has a pecuniary interest in an item of business, they must declare this at the start of the item of business unless it is already recorded in his or her register of interests, or is the subject of a pending notification. (If a member does not realise they have a pecuniary interest at the start of the item of business they must do so when they realise they have an interest).

If a Councillor has a disclosable pecuniary interest they must leave the meeting immediately and can not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting.

If the pecuniary interest is not entered in the authority's register and is not the subject of a pending notification, the Councillor must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that they have a pecuniary interest in a function they are dealing with as a Councillor.

23. Disclosable pecuniary interests.

Councillors are required to register pecuniary interests by writing to the Monitoring Officer within 28 days of them being elected as a Councillor or re elected as a Councillor. There is an exception when sensitive information is involved ([see section 19.20](#)). The interests that must be registered are:

- any organisation in which the councillor is a partner or director ; or any member of a management committee of an industrial and provident society and the councillor carries out the office for profit or gain;
- any employment, office, trade, profession or vocation that the councillor carries on for profit or gain
- any payment or other financial benefit that has been contributed to the councillor's expenses as a councillor or the councillor's election expenses (except by the council); this includes any payment of financial benefit from a Trade Union.
- any current contract for goods, works or services between the council and any of the following; the councillor, a firm where the councillor is a partner, a company where the councillor is a paid director, or an organisation which has land or a place of business in Plymouth and in which the councillor has a beneficial interest in securities with a nominal value over £25,000 or more than one per cent of the total shares issued to shareholders
- any land in Plymouth the councillor has a beneficial interest in or permission to occupy for 28 days or longer;
- any land that the council leases to any of the following: the councillor, a firm where the councillor is a partner, a company where the councillor is a paid director or an organisation which has land or a place of business in Plymouth and in which the councillor has a beneficial interest in securities with a nominal value over £25,000 or more than one per cent of the total shares issued to shareholders

- any organisation which has land or a place of business in Plymouth and in which the councillor has a beneficial interest in securities with a nominal value over £25,000 or more than 1 per cent of the total shares issued to shareholders;
- any organisation which has land or a place of business in Plymouth and in which the councillor has a beneficial interest in securities if the share capital of that organisation is of more than one class and the total nominal value of the shares of any one class held by the Councillor is more than one hundredth of the total issued share capital of that class

(A 'beneficial interest' is an interest that can be benefited from. A person would have a beneficial interest in something that belonged to them or that was being held for them in a trust. 'Securities' are stocks, shares, bonds or anything else that pays interest or dividends. The 'nominal value' of a share is the value shown on the share certificate).

Local Authorities (Model Code of Conduct) Order 2007 No.1159

THE MODEL CODE OF CONDUCT

Part I

General provisions

Introduction and interpretation

- 1.— (1) This Code applies to **you** as a member of an authority.
- (1) You should read this Code together with the general principles prescribed by the Secretary of State (see Annexe to this Code).
- (2) It is your responsibility to comply with the provisions of this Code.
- (3) 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 or joint sub-committees.
 “member” includes a co-opted member and an appointed member.
- (4) 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,
 (c) 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.— (1) 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 Responsible 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
 - (ii) or management and to which you are appointed or nominated by your authority; 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.
- 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;
 - (v) any ceremonial honour given to members; and
 - (vi) 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.— This clause has been removed as a result of the Council decision of 25 June 2012 – minute number .

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.

Additional local provision

Criminal Record Bureau checks

15.— (1) All Councillors will be subject to Enhanced Disclosures from the Criminal Records Bureau with effect from 15 January 2007. Having received such an Enhanced Disclosure, all Councillors are required to disclose to the Monitoring Officer any new convictions subsequent to the CRB check within 14 days of the new conviction(s).

- (2) Any failure to comply with this requirement will be a breach of the Code that will be referred by the Monitoring Officer to the relevant Standards Sub-Committee for appropriate action.

16. From 1 July 2012 all Councillors will comply with the requirements of the Localism Act 2011 and any regulations made under it in respect of disclosable pecuniary interests and will leave any meeting for any item of business in which they have a pecuniary interest.

Approved by Council on 6 August 2007

Annexe - The Ten General Principles

The general principles governing your conduct under the *Relevant Authorities (General Principles) Order 2001* are set out below:

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. 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

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. 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

5. 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

6. 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

7. Members should promote equality by not discriminating unlawfully 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

8. 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

9. 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

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

