

STANDARDS COMMITTEE

18 June 2007

REVISED CODE OF CONDUCT

REPORT OF CORPORATE DIRECTOR (GOVERNANCE) AND HEAD OF DEMOCRATIC SERVICES

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RECENT REFERENCES:

ST43 – Review of the Code of Conduct (13 June 2006)

EXECUTIVE SUMMARY:

The current Code of Conduct was introduced six years ago and formally adopted by this Authority on 5 May 2002. On the same date, all 43 Parish Councils in the District adopted a very similar Code. Although the legislation allowed for authorities to amend the Code with additional provisions which were consistent with its overall aims, neither the City Council nor any of the Parish Councils chose to do this and the Code was adopted without amendment. This was a course of action followed by most Councils throughout the country.

Since its introduction, the Standards Board for England has monitored how the Code has performed in controlling the actions and general behaviour of Members. During the last two years, the Board has undertaken two consultation exercises, receiving many submissions about how the Code could be improved. These suggestions have included greater clarity about personal and prejudicial interests, better guidance for dual-hatted members and ways to allow ward members to act more effectively in representing local views.

The revised Code (attached as Appendix A) came into force on 3 May 2007 and must be adopted by 1 October 2007. The key changes are discussed in this report and it is concluded that, overall, the Code has been improved, although perhaps not as much as some might have wished. The Government has also taken the opportunity to remove some drafting errors in the original Code.

The Standards Board has recommended that principal authorities (including district councils) approve the Code without amendment.

Set out for information as Appendix B is the Parish version of the Code.

RECOMMENDED (to Standards Committee and Council):

1. That the existing Code of Conduct be revoked and the revised Code of Conduct, as attached as Appendix A to this report, be approved and adopted with effect from 28 June 2007.

RECOMMENDED (to Standards Committee)

2. That all Parish Councils be advised to adopt the Parish Council version of the Code, as attached as Appendix B to this report, including the optional elements of needing to have regard to the advice of the Clerk (paragraph 7) and prejudicial interests (paragraph 12.2), but without any local amendments.
3. That all Parish Councils be further advised that, provided they comply with a common adoption date, the City Council will make arrangements for the statutory advertisement of adoption to include their Council, without cost.
4. That the additions to the future work programme set out in the report be approved.

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18 June 2007

REVISED CODE OF CONDUCT

REPORT OF CORPORATE DIRECTOR (GOVERNANCE) AND HEAD OF DEMOCRATIC SERVICES

DETAIL:

1 Introduction

- 1.1 The general background and current position regarding the revised Code is set out in the Executive Summary.
- 1.2 The purpose of this report is to highlight the key changes to the current Code and how those changes will affect the actions of Members.
- 1.3 A training evening for Members (plus Standards Independent Members, Parish Representatives and TACT representatives) was held on 5 June 2007 and a repeat session will be held on 2 July 2007. The training examined the impact of the new provisions in more detail, together with a number of scenarios which Members may encounter in their work.
- 1.4 A similar evening for Parish Councillors will be held at the Jubilee Hall, Bishops Waltham on 12 July 2007.

2 The Key Changes

- 2.1 With regard to **Personal Interests**, the definition has been relaxed. A Member will have a personal interest if a decision affects his/her well-being or financial position, or that of family or people with whom there is a close association, more than it would affect most people in the ward or electoral division. Previously, this area-based qualification was more extensive and applied to interests shared with most people across the local authority's whole area. Reducing the scope should allow Members a little more freedom to pursue local matters without being required to make a declaration. However, this definition will not mean any change for parishes, except those which are warded.
- 2.2 With regard to **Prejudicial Interests**, these now only arise if a matter affects a member, their family, or their close associates in the following ways:-
 - it relates to their finance
 - it concerns regulatory functions such as licensing or planning which affect them
 - a reasonable member of the public with knowledge of the facts would believe their ability to judge the public interest would be impaired.
- 2.3 Probably the most significant change made by the revised Code is that, even where Members have a prejudicial interest in a matter to be discussed at a

meeting, they are now able to make a statement and/or answer questions on that matter (paragraph 12(2) refers). One aim of this revision is to allow a Member to continue to act as the community's advocate and submit local views at the beginning of the debate. It should be noted, however, that this can only occur when members of the public have a procedural right to speak at the same meeting. Also (and unlike the public) once a Member has made comment, he/she must immediately leave the meeting room and cannot remain in the public gallery to observe the vote on the matter.

- 2.4 Where the public has no right to speak, such as an exempt session of a committee where confidential business is discussed, then a Member with a prejudicial interest cannot make a statement.
- 2.5 This new arrangement also applies when a Member's prejudicial interest arises from, for example, submitting his/her own planning application. The same procedure is followed in that the Member would be allowed to make a statement and then leave the meeting room. The aim here is that a Member is no longer disadvantaged because of his office and enjoys the same rights as the public.
- 2.6 For parish councils, paragraph 12.2 is optional and they will need to formally determine to include it as part of the Parish Code, as they will the reference in paragraph 7, which requires district councils to have regard to the advice of the statutory officers. In the parish context, it would seem appropriate for this to state having regard to the advice of the Clerk of the Council.
- 2.7 With regard to **Dual-hatted Members**, these are Members who also serve on another local authority and/or are appointed to represent the Council on outside bodies. They also benefit under the revised Code because, when a matter affecting the body is being discussed at a meeting of the Council, they will no longer be required to declare that they have a personal interest in the matter before they vote, unless they wish to speak on the matter or where the personal interest is also a prejudicial interest.
- 2.8 There are new provisions making it clear that **bullying** is prohibited by the Code and that Members must not **intimidate** anyone, for example an officer conducting an investigation.
- 2.9 The ban on disclosing **confidential information** has been clarified, to allow disclosure where:-
- the disclosure is made to a third party for the purpose of obtaining professional advice (provided that person agrees not to disclose it).
 - the disclosure is reasonable and in the public interest, made in good faith, and does not breach the reasonable requirements of the authority. However, the disclosure must not be for political advantage and the Council's whistleblowing procedures must have been used first.
- 2.10 With regard to **conduct in private life**, Members may recall the High Court case last year involving Ken Livingstone (Leader of the Greater London Authority) where a key issue related to bringing your office/authority into disrepute. The comments of the Judge in that case resulted in the situation that, only if a

Member has engaged in an activity which has a link with the functions of his/her office, will any conduct by him/her be covered by the Code.

- 2.11 The revised Code has sought to clarify this area further by stating that, in certain cases, a breach will have occurred where **criminal activity** has been committed in a private capacity, but not in relation to other conduct, even though many people may consider it to be inappropriate or outrageous (e.g. offensive language or sexual misconduct). It should be noted that this particular provision has yet to be enacted through the Local Government and Public Involvement in Health Bill. Until it is, the guidance to be followed in this area is that given following the Livingstone judgement, although inevitably each case is likely to turn on its own facts.
- 2.12 With regard to the receipt of **Gifts and Hospitality**, where the estimated value is over £25, the wording has changed to require that such events must now be recorded in the Member's Register of Interests. This means that a personal interest must be declared at any meeting where a matter relating to the person or body who provided that hospitality is discussed. The need to declare remains for a period of three years after the event.
- 2.13 As the City Council already places on the Register a note all gifts and hospitality declared by Members, it will not mean a major change in practice.
- 2.14 With regard to the **Ten General Principles of Public Life** (attached as Appendix C), these have not been included in the Code. Therefore, Members are not legally obliged to observe the principles, but a failure to do so may indicate behaviour that could potentially be in breach of the Code. The Standards Board recommends that the principles are included in a relevant place for guidance purposes and the Council already reproduces them as part of the Constitution.

3 Overview and Scrutiny

- 3.1 Any Member who took part in a decision has a prejudicial interest if that decision comes before a scrutiny body for review. However, he/she may be called to answer questions, provided the public are allowed to be present at the meeting.

4 Review of other Documentation

- 4.1 There is a need to review other documentation to ensure consistency with the revised Code.
- 4.2 Therefore, reviews of the following Protocols, Rules and other guidance documents are proposed as part of the Committee's work programme for 2007/08:-

- Planning Protocol
- Gifts and Hospitality Protocol
- Protocol for Members of the Appeals & Disputes and Licensing & Regulation Committees
- Protocol regarding Participation in Grant Aid Applications
- ICT Security Policy and Conduct
- Relevant changes to the Council Procedure Rules

4.3 The Planning Protocol will first be reviewed by the Planning Development Control Committee and then referred to Standards Committee for scrutiny. Allowing for the timetabling of this process, it is likely that an additional meeting of this Committee will be required during October, to allow the Protocol to be submitted to Council on 31 October 2007 for final approval.

4.4 Revisions to the other documents will be submitted to this Committee at the earliest opportunity.

5 Parish Councils

5.1 For completeness, Members may wish to be aware of the situation for Parish Councils.

5.2 As mentioned above, parishes adopt a slightly different Code (Appendix B) and will need to specifically include the optional elements of needing to have regard to the advice of the Clerk (paragraph 7) and prejudicial interests (paragraph 12.2). A Parish training evening has been arranged for 12 July 2007 to explain all the changes.

5.3 With regard to paragraph 12(2), the Standards Board has taken the opportunity to encourage all Parish Councils to have standing orders in place, which allow the public to attend meetings for the purpose of making representations, giving evidence or answering questions.

5.4 The need for this is because the revised Code gives councillors the same right to speak as the public, but if standing orders or other procedures are not in place which specify the public's rights, then paragraph 12(2) will have no effect. The end result would be that councillors with a prejudicial interest would not benefit from the freedom offered by the revised Code and would have to declare and leave the meeting immediately, as under the existing Code.

6 Administrative Arrangements

6.1 Once the formal decision is taken to adopt the revised Code, a Council must notify the Standards Board and place a statutory advertisement in a local newspaper.

6.2 When the current Code was originally adopted in 2002, the City Council agreed to include in its advertisement all the Parish Councils in its area, without cost to them, provided they all complied with a common adoption date. This system worked well and it is proposed to offer the same arrangement on this occasion, although with the timing of this exercise, it will be necessary to place a separate advertisement for parishes, as some only meet once every other month.

OTHER CONSIDERATIONS:

CORPORATE STRATEGY (RELEVANCE TO):

An Efficient and Effective Council

RESOURCE IMPLICATIONS:

It is unlikely that any of the amendments to the Code would result in more (or less) local hearings or other related work. Therefore, there are no particular resource implications, apart from the cost of advertisements (approx £1,500) which can be met from existing budgets.

BACKGROUND DOCUMENTS:

None

APPENDICES

Appendix A – Revised Code of Conduct for District Councils

Appendix B – Revised Code of Conduct for Parish Councils

Appendix C – The Ten General Principles of Public Life

**THE MODEL CODE OF CONDUCT
FOR WINCHESTER CITY COUNCIL**

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
(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;

(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. (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.

**THE MODEL CODE OF CONDUCT
FOR PARISH AND TOWN COUNCILS**

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 (see Annexure 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) any of the authority’s committees or sub-committees, joint committees or joint sub-committees;

“member” includes a co-opted member and an appointed member.

(5) 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(a));
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- 4.** 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; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 7.** Paragraph 7 does not apply to your authority.

(a) 2006 c.3.

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; or
 - (ii) (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 (5), 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.

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) this sub-paragraph does not apply to your authority;
 - (ii) this sub-paragraph does not apply to your authority;
 - (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.

11. Paragraph 11 does not apply to your authority.

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; and
- (b) 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 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.

Annexure - 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.

MEMBERS' GENERAL PRINCIPLES OF CONDUCT

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