

Wards affected:

General

Appeals and Standards Committee – 7th July 2015

Annual Review of Standards of Conduct and Complaints Handling

Report of the Monitoring Officer

1. Purpose of Report

To review experience of the conduct of Members of DDC, town and parish councils in 2014/15, the handling of complaints against them and of appeals submitted by DDC employees, with a view to identifying future improvements.

2. Advice

That it be RESOLVED that:	<ol style="list-style-type: none">1. The annual review of standards of conduct and the handling of complaints is noted as a generally positive record.2. Occasional use of Members of the Committee as “mystery shoppers” continues.3. Northamptonshire County Association of Local Councils is invited to arrange learning and development sessions, particularly on Disclosable Interests and on Dispensations, for parish and town Members and Clerks.4. The Monitoring Officer arranges a learning and development session, particularly on Disclosable Interests and on Predisposition/Predetermination, for all DDC Members.5. A 2014/15 summary of key messages is supplied by the Monitoring Officer to parish and town councils, based on experience of the past year.
That it be RECOMMENDED that:	<ol style="list-style-type: none">6. The DDC Local Code of Conduct for Members (July 2015) is adopted.

3. Introduction

This report is designed to serve as the Committee's (third) annual report to Council on its workings and performance, as required under DDC's Constitution. It covers the period from 25th June 2014 to 26th June 2015 inclusive.

The Committee's deliberations and decisions contribute to the Council's promotion and maintenance of high standards of conduct, a duty required of it by the Localism Act 2011. The Monitoring Officer's work is similar in intent.

This legal duty is in respect of the conduct of Members (including any co-opted Members) of the District Council. Via DDC's Constitution rather than the Act, the Committee is also required to promote good conduct generally by reviewing experience with parish and town council Members and their councils.

The Monitoring Officer and the Committee have certain roles in respect of the registration of Members' interests and the handling of complaints about their conduct.

Under the Committee's terms of reference, Hearing Panels are able to be established for investigated complaints about Members and for appeals by Council employees.

A key purpose of the annual review is to determine the need for any development activities and any procedural changes, particularly in respect of the various Codes of Conduct for Members or of the complaint handling arrangements.

NB Parish Meetings are not subject to the Localism Act's requirements on standards.

4. Information

Nationally, there have not been any changes to the standards regime in 2014/15, although the Committee on Standards in Public Life continues to monitor the situation as it is concerned about the limited sanctions available where breaches of codes of conduct have occurred.

Under the Localism Act 2011, each individual county, district, parish and town council was able to adopt its own individual Code of Conduct. However, it is reassuring that some 95% of town/parish councils (49 out of 53) have adopted a Code that is the same as the DDC Local Code of Conduct for Members – up by three in the past year. 4 parish councils have a Code based on a version by the National Association of Local Councils (NALC).

4.1 Promotion of High Standards

Over the past year, the Monitoring Officer's approach continued to be preventative with Members, Officers and Clerks invited to check any matters of concern during 2014/15. The Monitoring Officer has received various enquiries – mainly from council Members and Clerks but sometimes from members of the public. As in previous years, most sought advice on disclosure of interests or on what constitutes pre-disposition and pre-determination (particularly from Members who also sit on other bodies). It is positive that such queries are raised in

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advance, for example before a Member attends a meeting with relevant business, as it allows for more considered advice to be given.

Of the DDC Members newly elected in May 2015, most attended induction sessions with the Monitoring Officer, receiving guidance on the various Codes of Conduct and particularly on interests, pre-determination and bias. It is particularly important that brand new Members get such initial grounding to ensure that the good standards at DDC can continue; all of these have attended induction.

Advice has been given to various parish and town councillors, and, more than before, to council Clerks. Whilst under the Act it is for those individual councils to promote standards rather than DDC, this Council and the Monitoring Officer have consistently sought to positively assist its parish and town councils. This is partly because it is understandably difficult for Clerks, and to some extent NCALC, to be sufficiently equipped to advise. Again, it helps all parties (Members, Clerks and Monitoring Officer) to prevent difficulties arising after the event. It is worth highlighting that there has been particular engagement with two parish councils.

The Monitoring Officer and the Chief Executive of NCALC continue to work together in promotion of high standards. NCALC has offered its own training sessions and the potential for combined events is explored on occasions. In making recommendations to parish and town councils following complaints, NCALC is able to be signposted by DDC as a source of advice on good practice and for training sessions. With all councils in the district being members of NCALC, this continues to be a beneficial route.

As regards learning and development for DDC Members, the 2014 Committee supported delivery of a session on the Code of Conduct, particularly on interests, by the Monitoring Officer and a solicitor from District Law. This was duly held and well received by Members present. A similar session for all DDC Members is deemed appropriate for 2015/16, probably in September. That session would promote high standards and particularly confirm expectations on disclosing interests and avoiding pre-determination - Committee is asked to support this. It is always helpful to illustrate the theory of standards and conduct to Members with practical examples.

At the 2014 Members Development session, reference was made to a police investigation for non-disclosure of a pecuniary interest in Dorset, which was reported on the front page of the Dorset Echo newspaper. This illustrated the risks to Members' reputations. As update, suffice to say that the outcome again made headlines as the Member was found guilty for failing to disclose an interest and received a conditional discharge – and further unwanted media coverage.

Such examples are few and far between but help reinforce the need for care, as the onus is on the Member to comply with their Code of Conduct and the Act.

The Appeals and Standards Committee meeting on 3rd July 2014 agreed that its parish and independent representatives could continue to act as 'mystery shoppers'. This involves occasional attendance at parish council meetings to observe proceedings, particularly where there have been a number of complaints or the Monitoring Officer is alert to issues.

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On 23rd and 22nd January 2015 'mystery shops' took place in light of information received. Two Parish Council meetings were attended, primarily to observe Member behaviour and adherence to their Codes of Conduct. The Parish Councils need not be identified. The purpose of visiting was to help inform the Monitoring Officer of need for particular targeted address or advice. Feedback from the mystery shoppers proved interesting, as recounted below:-

The first 'shop' illustrated the passion in planning that can lead to complaints about Member conduct. The observed Parish Council meeting was an angry affair. Derogatory comments were made about a Member from the public gallery, seemingly reflecting a general view that the Member's integrity was in question. This public part of the meeting became a little like a 'free for all' which the Chairman brought abruptly to a close, but who maintained order and handled the situation well. Later, the Member in question was asked to leave the meeting and there was a full discussion about two complaints relating to him. The meeting decided to appoint a neutral chairperson to oversee any meeting relating to these allegations. Whether or not the Member's integrity was right to be questioned was not able to be deduced from the visit, so there was no obvious need for the Monitoring Officer to provide subsequent advice.

At the second 'shop', a meeting of a different Parish Council was visited, again with public in attendance. The meeting was very relaxed and open. The Chairman seemed to know all the Members well and throughout the meeting treated them with respect allowing them to speak openly or ask questions as they wished. The Clerk appeared efficient and provided documents as required. The relationship appeared business-like, but friendly. (Members of the public did not see minutes or documents, but they all appeared to be in order and comprehended by Members). One Member declared an interest in a planning matter as he was a neighbour. When this was discussed he got up to go out of the room, but discussion was so short he didn't get all the way out – which ought to have been facilitated, as technically it became a breach of the Code of Conduct.

During the public participation section of the second shop, there was a presentation and Q&A session with a company. Members were interested and there was a wide range of questions and comments from all, with the Chairman allowing this to be open and discursive. The same approach pervaded other items of business. Notwithstanding the breach, it felt to the mystery shopper that the meeting was well run, with the Chairman respected and treated courteously and without any personality clashes. This overall experience contrasted with some of the alleged behaviours of participants reported to the Monitoring Officer.

Whilst DDC is not directly responsible for promoting high standards at parish and town councils, the handling of complaints about them is. It is helpful therefore to test anecdotal information, so that the Monitoring Officer can check whether any informal or formal advice should be given to the council concerned (whether by the Monitoring Officer or NCALC) in order to prevent inappropriate behaviour.

Understanding context in this way does help to target assistance for the good of local government as a whole. Mystery shopping proved to be a useful exercise and is recommended to be repeated in the forthcoming year - for councils judged appropriate by the Monitoring Officer.

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With all promotional work, the overriding objective is to ensure high standards of conduct across all councils so that the public can sustain confidence in local government.

4.2 Codes of Conduct

In December 2014, an update to the DDC Local Code of Conduct for Members was noted by full Council and subsequently relayed to all town and parish councils - the update being that the Code only applies when a Member is acting in their official capacity as a Member.

An update has also been made to the definition of “relevant authority” by deletion of reference to the now defunct “police authority”. The Code will now refer to “police and crime panel” instead, as highlighted in the ‘Appendix - DDC Local Code of Conduct for Members (July 2015)’

With no new national requirements in the past year and few local lessons, there is no absolute obligation to revisit the substance of the Code. However, one matter is given further consideration below.

The section relating to disclosure of interests at meetings has been reviewed, following a query relating to a parish council’s like Code (para 8.1 (b) (i) in the Code, as per the ‘Appendix - DDC Local Code of Conduct for Members (July 2015)’). The query related to whether the normal ban on a Member participating in any discussion on a matter relating to their disclosable interest can legitimately be set aside for the purpose of “making representations, giving evidence or answering questions” (quoting from the Code).

Such provision in the DDC Code appears, in a narrow reading, to be at odds with the Localism Act’s normal ban (unless a ‘dispensation’ has been granted). To confirm, the Act’s normal ban is in respect of ‘disclosable pecuniary interests’. However, the local Code’s provision is particularly expected to be applicable, albeit rarely, in matters relating to ‘other disclosable interests’.

One obvious example of application is at a standards hearing so that a Member can defend themselves into an alleged breach of their Code of Conduct! Whilst a hearing into the allegations does not relate to one of the specified disclosable pecuniary interests, it does relate to their personal wellbeing and is likely to affect their judgement of the public interest – part of the definition of ‘other disclosable interests’. Notwithstanding potential overriding rules of natural justice, the Member should not have to depend on the Monitoring Officer granting a dispensation to be able to participate in such a matter otherwise this would seem to be against their right to a fair hearing.

For clarity, therefore, it is recommended that the wording of the Code be amended to insert the words - in respect of an “other disclosable interest” - as highlighted in the Appendix. This should leave little room for misinterpretation.

The Code as amended will be known as the ‘July 2015’ version, given the date of full Council (30 July). On adoption by full Council, it would be recommended for adoption by those parish and town councils using DDC’s Code.

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DDC also has supplementary Codes for Planning, Licensing, Housing, and Gifts and Hospitality. Practice and experience does not indicate need for their revision.

4.3 Key Topic - Interests

As mentioned earlier, there have been various enquiries of the Monitoring Officer relating to interests. That is not unusual for any authority.

It is a legal requirement that a newly elected Member must notify the Monitoring officer of their 'disclosable pecuniary interests' within 28 days of their election, which are then to be put in a register by the Monitoring Officer. The same legal provision applies to re-elected Members in respect of disclosable pecuniary interests not already so registered. Failure to so notify is a criminal offence. DDC's Local Code of Conduct also requires notification of 'other disclosable interests' and 'non-disclosable interests' within those 28 days.

Following elections in district wards on 7th May 2015, the Monitoring Officer has received due notification from all newly elected DDC Members. As before, the early issue of guidance via the Members Induction process proved helpful. Parish and town council Clerks were also contacted before the election to remind of the need and, via this same administratively convenient channel, similar notification has been received in respect of new parish council Members. Full coverage has still to be confirmed but, in any event, the onus is on each Member to ensure that the Monitoring Officer has been duly notified of their interests.

Two of the newly elected DDC Members requested the withholding of information in respect of one category on the Register of Interests, as being 'sensitive interests' as defined in the Localism Act. In judging whether to agree such a request, the Monitoring Officer applies a specific test with a high threshold. In each case, the justification was evident and overrode the normal public expectation of openness and transparency. Both requests were therefore agreed by the Monitoring Officer. The Monitoring Officer can only recall one such request in previous years - which was not agreed.

As regards DDC Members in general, there have been various examples of updating of the register to reflect new or ceased interests. Notwithstanding the onus is on a Member to self-disclose, these various examples can be taken as reassurance that Members continue to be aware of their obligations.

Three entries were made by DDC Members in the same register (for one-stop purposes) in respect of received gifts or hospitality - which were of relatively low value. Arguably, in two cases the Members need not have so notified but this reflects the good tradition of declaration in the interest of public transparency.

Pursuant to the Localism Act and as captured in the Code of Conduct, a 'dispensation' can be sought by a Member in respect of a disclosable interest of theirs (allowing presence, participation and voting on a matter at a meeting related to that interest). At DDC, the decision to grant a dispensation or not is made by the Monitoring Officer. Parish and town councils are legally obliged to have their own arrangements for handling dispensation requests. (A granted dispensation doesn't necessarily prevent a potentially justifiable allegation later, as one Clerk was duly reminded).

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The Monitoring Officer received two formal requests for 'dispensations' from DDC Members in the past year. Dispensation was granted in each case to allow the Member to participate in and vote on business relating to The Daventry Estate Company Limited – which is a DDC established company and to which they had been newly appointed by Council. Entries were duly made alongside the public Register of Interests.

As regards dispensations granted at town and parish council level, there have been a few notifications to the Monitoring Officer to similarly enable entries to be made alongside the Register. In one parish case, however, this was not reported directly and instead came to light via a related planning application. A reminder was sent to all parish Clerks, as there may be other cases and it is in the public interest to record them. It is informative to point out that, if it had been in the Monitoring Officer's jurisdiction, dispensation would not have been granted in that case. This reinforces the need for continued development to be offered to Clerks as well as Members.

4.4 Complaints Handling

The Council has adopted complaints handling arrangements in respect of Members of all councils alleged to have breached their Local Code of Conduct for Members.

In 2014/15, nineteen complaints were submitted and assessed by the Monitoring Officer. Fifteen had a decision of 'No Further Action', two were referred for formal investigation (in June 2015), one was determined as inadmissible and one is awaiting assessment. In one of the fifteen 'No Further Action' cases, a request was made of the Parish Council to ensure a correct public understanding of events.

Four of the complaints were made about DDC Members, while fifteen were/are about parish council Members. The limited number of complaints about Members of district, parish and town councils probably indicates that there is a good standard of conduct, generally speaking.

One of the key features of complaints is to assess whether the subject Member was acting in their official capacity at the time, as per the current Code. This can be difficult to establish.

With complaints, some could lead to a criminal prosecution. To that end, previous Committees have been informed of the desire to establish a joint Monitoring Officer and Police Protocol and that this had been drafted by the Monitoring Officer and supplied to the Police for their consideration. The Protocol aims to clarify the involvement of the Police at the assessment and investigation stages of complaints. Unfortunately, the Police have not yet been able to formally consider this but have recently indicated again that they still would like to do so.

For submitting complaints, the Council's complaint form was signposted to enquirers and was normally used. The inclusion of a section in the form for the complainant to indicate their proposed remedy has proved helpful. For example, several complainants indicate that will not be satisfied with an apology or similar and so informal resolution can be ruled out if that otherwise might have been

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judged appropriate. Also, several complainants want a Member's dismissal from office which is also undeliverable and that can be addressed in decision notices.

The allegations made in complaints mainly centred on the topics of bias; non-disclosure of interests; bullying; treating others with respect; and/or, bringing of their office into disrepute. Reasons for the Monitoring Officer not taking further action were various including lack of evidence, limited prospect of proving a breach and public expenditure on an investigation not justified.

On completion of assessment for each case, the Monitoring Officer writes a formal decision notice that is sent to the relevant parties. Whilst there is no statutory requirement to do this, it is considered that all parties deserve to see (and hopefully acknowledge) the reasoning behind assessments. Such notices can also help improve the recipients' understanding of their Code of Conduct and its operation.

Also in constructive spirit, some decision notices contain suggestions for the Parish Council or Clerk to take on board with regard to procedures or practices to help achieve compliance with their Codes of Conduct.

In view of a decision in Northumberland by the Information Commissioner's Office, consideration was given by the Monitoring Officer to amending the decision notices. The case involved the desire of a complainant to have copies of the Member's response to a complaint - which had led to a decision of 'no further action' - via a Freedom of Information request and supposedly in the interests of transparency. The Commissioner decided that to provide such information in such a case would have been unfair to the Member.

Consequently, the decision notice sent by the Monitoring Officer to the relevant parties (normally subject Member, complainant and Clerk of the council) has the addition of text and a 'Confidential' watermark clearly demonstrating that the information is confidential and must not be shared without the express consent of the Monitoring Officer. It was also decided to update the wording of the complaint form to re-affirm that information may be publicly released, depending on the progress of the case.

Batched copies of decision notices, suitably redacted so as not to identify subjects or their council areas, were supplied to Committee Members and Independent Persons for the first time in 2014 and will continue in 2015. This fuller information helps give a deeper sense of trends and issues than can be conveniently conveyed in this Committee report.

It is interesting to report that two complainants dissatisfied with the Monitoring officer's handling of their complaints sought redress via the Local Government Ombudsman. In each case, the Ombudsman decided that she would not investigate.

The most dissatisfying aspect of the complaints regime for complainants is the limited 'sanctions' available for breaches of the Code, particularly as only recommendations can be made to parish and town councils. However, in all cases it is reputation impact that probably hits hardest. It has been pointed out that the national Committee for Standards in Public Life continues to monitor

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concerns about the limited sanctions, but it is not anticipated that the legal position will change anytime soon.

Completely separately, and reflecting the Committee's dual remit, there have not been any appeals by employees in the past year.

4.5 DDC Appeals and Standards Committee and its Hearing Panels

The Committee is one of the Council's main vehicles for promoting and applying the Code of Conduct, meeting once a year to review matters. Within this report, there are indications of the role of the Committee in promoting certain topics or activities – which are captured in the Advice.

Given the complaints summary above, there has not had to be the establishment of a hearing panel so there is no learning about that part of the process available for this report. That said, the hearing panel process has worked well in previous years. It is impossible to predict how many hearing panels will be required in any given year but, ideally, there would be none as ideally there would not be any justifiable complaints.

4.6 Independent Persons

It is a legal requirement that the Council appoints at least one 'Independent Person' – which is distinct from Independent Members of the Committee – and the Council has three such voluntary positions. In December 2014, following public recruitment, Council appointed two new people to the role to add to the existing appointee.

The role of an Independent Person is largely set via local rather than national requirements, but there is a defined consultee role as prescribed by the relevant Act; namely that the views of the Independent Person must be sought and taken into account by the Council before the Council makes its decision on an allegation that it has decided to investigate.

As allowed by the Act and included in the Council's complaint handling arrangements, the views of the Independent Person may be sought by the Member or co-opted Member subject of an allegation and the Monitoring Officer must consult with the Independent Person if informal resolution of a complaint is proposed to be sought.

In line with the general lack of investigated cases, the past year has been relatively quiet for the Independent Persons but there was one case where, following initial assessment, the Independent Person was engaged by the Monitoring Officer to assess the prospect of informal resolution. That said, with two complaints still under investigation, the current Independent Persons have recently been assigned roles for those cases.

Aside from formal roles, the incumbent Independent Person drafted a Frequently Asked Questions note to aid the public recruitment of new Independent Persons. This was helpful and four good candidates were interviewed, two selected. The Monitoring Officer has met with the Independent Persons to brief them on the role and to supply a handbook for their benefit.

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A Northamptonshire-wide meeting for Independent Persons was held on 24th November 2014 and proved of some use to the two who attended from Daventry. The Independent Persons helpfully provided the Monitoring Officer with a summary of the discussions. The intention is to continue with such meetings.

Last year, the Committee endorsed the Independent Persons' suggested supply of an annual newsletter to parish and town councils citing lessons learned over the year. This was done and a 2014/15 version is recommended, incorporating appropriate messages, once the Committee has considered this report and offered its views.

5. Implications

5.1 Financial – Costs of the operation of the standards regime are currently met within existing budget. Additional costs are involved when an investigation is required but costs can be minimised sometimes by using an internal investigator depending on the nature and complexity of the case. Demand has not been excessive in the year concerned.

5.2 Personnel – No new implications.

5.3 Legal/Constitutional – Under the Localism Act 2011 the Council is required to promote high standards of conduct amongst its Members. This report serves to discharge the DDC Constitution requirement for an annual report of the Committee's activities.

5.4 Environmental – No implications.

5.5 Policy – Minor amendments to the Local Code of Conduct for Members are appropriate.

5.6 ICT – No implications.

5.7 Crime and Disorder – No implications.

5.8 Human Rights – No implications.

5.9 Equalities – No implications.

6. Conclusions

For DDC, all aspects of the standards regime introduced by the Localism Act 2011 were complied with in the past year. This report particularly helps towards promotion of high standards of conduct, one of the Act's imposed duties, thus informing the need for any further development. Experience over the past year has been generally positive, with a limited number of complaints.

There continues to be contact from Members of DDC and of parish and town councils seeking advice of the Monitoring Officer. At town and parish council level particularly, this part arises from need for increased understanding of what are, and when to disclose, interests. An allied topic is the granting of dispensations by

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parishes. Learning and development sessions are recommended, via both the Monitoring Officer and NCALC.

Complaints about district, town and parish council Members are running at similar levels as before and on similar topics. The Act's regime has not dissuaded complainants despite the limitation on sanctions possibly because a more critical consequence is adverse reputation impact; in several other council areas, some cases have been played out in the media.

The local complaint handling process is working well. As in previous years, there has been the ability to conclude complaints promptly which is helpful for all concerned particularly the subject Member.

The Independent Persons' arrangements worked well. Whilst the role is not fully defined in law, it has been exercised pragmatically.

Simon Bovey
Monitoring Officer

Background papers:
None.

Previous minutes:
Appeals & Standards Committee 3rd July 2014
Council 4th December 2014

Contact Officer: Simon Bovey
Extension 2570

‘Appendix - DDC Local Code of Conduct for Members (July 2015)’

LOCAL CODE OF CONDUCT FOR MEMBERS

PART 1 – GENERAL PROVISIONS

1. Introduction and interpretation

- 1.1 This Code applies to all Members of Daventry District Council.
- 1.2 It is the responsibility of each Member to comply with the provisions of this Code, for which they will give a written undertaking.

1.3 In this Code –

“meeting” means any meeting of

- (a) the Council;
- (b) any of its committees, sub-committees, joint committees, joint sub-committees, or area committees; any panels or working groups.

“Member” (“M”) means elected and co-opted Members.

“relevant authority” has the meaning given to it in Section 27(6) of the Localism Act 2011 (including county council, district council, parish council, **police and crime panel**, fire and rescue authority).

“relevant person” means the Member or any other person referred to in Section 30(3)(b) of the Localism Act 2011. (i.e. their spouse or civil partner; a person with whom they are living as husband and wife, or a person with whom they are living as if they were civil partners).

2. Scope

- 2.1 A Member must comply with this Code whenever they act in their official capacity as a Member of the Council.
- 2.2 Where a Member acts as a representative of the Council -
- (a) on another relevant authority, they must, when acting for that other authority, comply with that other authority’s code of conduct; or
- (b) on any other body, they must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

PART 2 – GENERAL OBLIGATIONS

3. General obligations

- 3.1 A Member must treat others with respect.
- 3.2 A Member must not -
- (a) bully any person;

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- (b) 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.
- (c) do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.

3.3 A Member must not –

- (a) disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) they have the consent of a person authorised to give it;
 - (ii) they 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 Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

3.4 A Member must not conduct themselves in a manner which could reasonably be regarded as bringing their office of the Council into disrepute.

3.5 A Member –

- (a) must not use or attempt to use their position as a Member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of the Council –
 - (i) act in accordance with the Council'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.

PART 3 - INTERESTS

4. “Disclosable Pecuniary Interests”

4.1 A Member will have a “disclosable pecuniary interest” in any business of the Council if it is of a description specified in the second column of the appended Schedule as issued by the Secretary of State and either –

- (a) it is an interest of the Member, or
- (b) it is an interest of –
 - (i) their spouse or civil partner;
 - (ii) a person with whom they are living as husband and wife, or
 - (iii) a person with whom they are living as if they were civil partners.

and they are aware that that other person has the interest.

5. “Other Disclosable Interests”

5.1 A Member will have an “other disclosable interest” in any business of the Council where –

- (a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of the Member or their family, or a person with whom they have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward for which they have been elected, or
- (b) it relates to, or is likely to affect, any of the interests listed in the appended Schedule in respect of a member of their family (other than a ‘relevant person’) or a person with whom they have a close association.

and that interest is not a disclosable pecuniary interest.

and a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it is likely to prejudice the Member’s judgement of the public interest.

and the Member is aware that the other person has the interest.

6. “Non-disclosable Interests”

6.1 A Member will have a “non-disclosable interest” in any business of the Council where either it relates to –

- (a) any body of which they are a member or in a position of general control or management and to which they are appointed or nominated by the Council; or
- (b) any body –

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- (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which they are a member or in a position of general control or management, or
- (c) the interests of any person from whom they have received a gift or hospitality with an estimated value of at least £25.

and that interest is not a disclosable pecuniary interest or other disclosable interest.

7.2 An interest in this category need not be disclosed at meetings.

7. Registration of interests

7.1 Subject to paragraph 9 (sensitive interests), a Member must, within 28 days of –

- (a) this Code being adopted by the Council; or
- (b) their election or appointment to office (where that is later),

notify the Council's Monitoring Officer in writing of any disclosable pecuniary interests, other disclosable interests and/or non-disclosable interests at that time for entry into a register.

7.2 Subject to paragraph 9 (sensitive interests) a Member must, within 28 days of becoming aware of any new interest or change to any interest, notify the Council's Monitoring Officer in writing of that new interest or change.

8. Disclosable interest in matters considered at a meeting or by a single Member

8.1 Subject to paragraph 9 (sensitive interests) where the Member has, and is aware that they have, a disclosable interest in any business of the Council, and they attend a meeting at which the business is to be considered, or is being considered;

- (a) the Member must disclose to the meeting the fact that they have a disclosable interest in that matter. If they have not already done so, they must notify the Council's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and
- (b) whether the interest is entered in the Council's Register of Members' Interests or not, they must not – unless they have obtained a dispensation from the Council's Monitoring Officer –
 - (i) participate, or participate further, in any discussion of the matter at the meeting - apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter, in accordance with other procedure rules **in respect of an "other disclosable interest"**; or
 - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

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- 8.2 Non-disclosable interests do not need to be disclosed at meetings.
- 8.3 If a Member is empowered to discharge functions of the Council acting alone, and has and is aware that they have a disclosable interest in any matter dealt with, or being dealt with, by the Member in the course of discharging that function, they must not take any steps, or any further steps, in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by them).

9. Sensitive interests

- 9.1 Where a Member considers (and where the Council's Monitoring Officer agrees) that disclosure of the details of a registered interest could lead to harm or intimidation of the Member or a person connected with the Member –
 - (a) such details will be excluded from public versions of the register.
 - (b) such details will not need to be disclosed to a meeting, or when a Member is empowered to act alone, although the fact that the Member has a sensitive interest must be disclosed (in accordance with section 8).