

Public Document Pack

Date of meeting Monday, 11th November, 2013
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Julia Cleary

Standards

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included in this agenda
- 3 **Minutes of the previous meeting** (Pages 1 - 4)
- 4 **Independent Person Job Description August 2012** (Pages 5 - 6)
- 5 **Complaint Form October 2013** (Pages 7 - 22)
- 6 **The Code of Conduct For Members** (Pages 23 - 28)
- 7 **The Nolan Principles** (Pages 29 - 30)
- 8 **Disclosable Pecuniary Interests** (Pages 31 - 32)
- 9 **DCLG Guidance** (Pages 33 - 44)
- 10 **EXCLUSION OF THE PRESS AND PUBLIC**
The committee is invited to resolve that the press and public be excluded from the meeting during the consideration of the following items because it is likely that there will be a disclosure in each case of exempt information as defined in paragraphs 1 and 2 of Part I of Schedule 12A of the Local Government Act 1972.
- 11 **Application Form for Independent Person EGP** (Pages 45 - 46)
- 12 **Application Form for Independent Person HK** (Pages 47 - 48)
- 13 **STANDARDS - Investigation report (1)** (Pages 49 - 50)
- 14 **STANDARDS - Investigation report (2)** (Pages 51 - 52)
- 15 **URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972

Members: Councillors Mrs Beech, Cairns, Cooper, Mrs Hambleton (Chair),

Mrs Heesom (Vice-Chair), Olszewski and Wemyss

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

STANDARDS

7.00 pm, Tuesday, 23 July 2013

- Present:-** Councillor Mrs Sandra Hambleton – in the Chair
- Councillors Mrs Beech, Mrs Cornes and Mrs Heesom
- In attendance:-** David Wood (Independent Person) and Town Councillor Geoff Locke (Kidsgrove Town Council)
- Officers:-** Liz Dodd (Audit Manager and Monitoring Officer) and Nick Lamper (Senior Member Services Officer)

1. APOLOGIES

Apologies for absence were submitted on behalf of Councillors George Cairns and John Cooper, and Parish Councillor Graham Sedgley.

2. MINUTES OF LAST MEETING

Resolved: That the minutes of the meeting held on 7 January 2013 be approved as a correct record and signed by the chair.

3. DECLARATIONS OF INTEREST

Councillors Beech and Cornes declared personal interests in item 8 as members of Audley Parish Council, and took no part in its consideration; Councillor Olszewski declared a personal interest in item 11 as one of the applicants was a former colleague, and took no part in its consideration.

4. LOCAL GOVERNMENT OMBUDSMAN ANNUAL LETTER ARRANGEMENTS

A report was submitted outlining recent changes in the way that the Local Government Ombudsman Service (LGO) dealt with complaints and the publication of its decisions.

In previous years, the LGO had provided an annual summary of complaints received against the council. This annual letter had covered a 12-month period from April to March and included statistics on the number of enquiries and complaints received by the LGO Advice Team.

This year the LGO would not produce annual letters for individual councils about complaints received against them in the same way it had done in previous years. This was because part way through the year, the LGO had begun to make changes in the way it handled complaints, and therefore it was felt that any statistics would not provide a comparable picture throughout the year. However, complaint outcomes from April 2012 to March 2013 showed that no reports had been issued against this council.

Instead, the LGO would be sending a letter to all councils which would include high level information about complaints which had been made and also give the council the opportunity to contribute to a consultation on what annual letters would look like in the future and how they could better meet the council's needs. This letter had

been received shortly after the publication of the agenda for the meeting and had been circulated prior to the meeting.

The LGO would also be publishing all of the decisions on complaints it received after 1 April 2013, making it the first public sector Ombudsman scheme to do so. Decision statements would be published on the LGO website no earlier than three months after the date of the final decision. The information published would not name the complainant or any individual involved with the complaint. A small number of examples of decisions on complaints received before 1 April 2013 would also be published.

In pursuance of being an open and accountable service with transparent decision making processes, the LGO would publish its decisions so that the public and bodies within its jurisdiction could see the full range of decisions and feel reassured that they were fair, thorough and impartial.

Publishing decisions also recognised the key role the LGO played in helping to ensure that public services were accountable to the public who used and funded those services. Greater transparency of the LGO's decisions meant greater transparency of public services.

The LGO did, however, retain discretion not to publish a decision – for example where it would not be in the interests of the person complaining to publish or where there was a reason in law not to.

Resolved:

- (1) That the new arrangements be noted; and
- (2) That the Annual Review Letter be circulated to all members of the council along with an explanation of the changes.

5. OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS - A GUIDE FOR COUNCILLORS - REVISED GOVERNMENT GUIDANCE

The above guidance, which had been issued in March 2013 by the Department of Communities and Local Government to supersede that issued in August 2012, was submitted. It was reported that the guidance would be circulated to all members of the council.

Resolved: That the content of the guidance and the intention to circulate it to all members of the council be noted.

6. URGENT BUSINESS

There was no urgent business.

7. EXCLUSION OF PRESS AND PUBLIC

Resolved: That the press and public be excluded from the meeting during the consideration of the following four items, because it was likely that there would be a disclosure in each case of exempt information as defined in paragraphs 1 and 2 of Part I of Schedule 12A of the Local Government Act 1972.

8. MONITORING OFFICER'S REPORT ON COMPLAINT REFERENCE SBO14/13

(Councillors Beech and Cornes declared personal interests in this item as members of Audley Parish Council, and took no part in its consideration.)

A report was submitted on the above complaint.

Resolved: That no further action be taken in relation to the complaint.

9. MONITORING OFFICER'S REPORT ON COMPLAINT REFERENCE SBO15/13

A report was submitted on the above complaint.

Resolved:

- (1) That no further action be taken in relation to the complaint; and
- (2) That a reminder be issued to all members of the council in relation to the content and importance of the council's policies on the use of social networking and media.

10. MONITORING OFFICER'S REPORT ON COMPLAINT REFERENCE SBO17/13

A report was submitted on the above complaint.

Resolved: That no further action be taken in relation to the complaint.

11. APPOINTMENT OF RESERVE INDEPENDENT PERSON(S)

(Councillor Olszewski declared a personal interest in this item 11 as one of the applicants was a former colleague, and took no part in its consideration.)

Further to minute number 4 of the meeting of 1 October 2012, a report was submitted along with two applications for the position of Reserve Independent Person.

Resolved: That the two applicants be invited to attend the next meeting of the committee.

COUNCILLOR MRS SANDRA HAMBLETON
Chair

The meeting concluded at 7.30 pm.

This page is intentionally left blank

THE BOROUGH COUNCIL OF NEWCASTLE-UNDER-LYME

COUNCILLORS' CODE OF CONDUCT – APPOINTMENT OF INDEPENDENT PERSONS TO ASSIST IN HANDLING COMPLAINTS

JOB DESCRIPTION

Primary function of appointment:

To undertake the statutory role of Independent Person appointed under Section 28(7) of the Localism Act 2011 and to help the Council discharge its duty to promote and maintain high standards of conduct amongst Members and co-opted Members.

The new Standards regime

The Localism Act 2011 introduced a new regime for promoting and maintaining high standards of conduct amongst Members and co-opted Members when acting in that capacity.

As part of these arrangements, each local authority had to adopt a Code of Conduct and have arrangements in place for dealing with complaints of breaches of that Code by its Members and co-opted Members. A new Code of Conduct and complaints arrangements have been adopted by the Council that set out what is expected of Council Members and how complaints will be dealt with. If a complaint is made that a Member or co-opted Member has failed to comply with the Code, the views of an Independent Person will be sought by the Council and may also be sought by the Member who is the subject of a complaint before a decision is made.

Role of Independent Persons

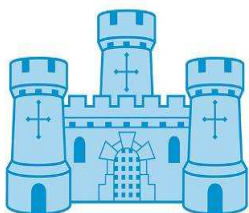
Independent Persons should be able to interpret the Code of Conduct, balance differing views and bring an independent and informed perspective to the investigative process. This is a new role created under the Localism Act 2011.

Independent Persons will be expected to read and digest complaints and investigation reports, liaise with the Council's Monitoring Officer, Members and co-opted Members and possibly attend some meetings of the Council.

Specific tasks:

- (a) To interpret the Code of Conduct, balance differing views and bring an independent and informed perspective to the investigative process
- (b) Advising the Monitoring Officer in connection with the assessment and post-investigation stage of complaints made against Members and co-opted Members
- (c) Reading and digesting investigation reports into complaints against Members and co-opted Members
- (d) Advising in connection with complaints and potential sanctions where a failure to comply with the Code of Conduct has been established

- (e) Advising Members and co-opted Members of the Council in connection with complaints made against them under the Code of Conduct
- (f) Assisting the Council in discharging its duty to promote and maintain high standards of conduct by its Members and co-opted Members
- (g) Reaching balanced and reasoned conclusions having considered complex material and applied an impartial and fair approach to all of the written and oral material provided.
- (h) Be consulted by the Monitoring Officer before he makes a finding as to whether a Member or co-opted Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member or co-opted Member
- (i) Be consulted by the Monitoring Officer in respect of a standards complaint at any other stage
- (j) Be consulted by a Member or co-opted Member of the Council against who a complaint has been made.



NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

THE BOROUGH COUNCIL OF NEWCASTLE-UNDER-LYME

LOCALISM ACT 2011 (Chapter 7)
STANDARDS OF CONDUCT OF
MEMBERS AND CO-OPTED MEMBERS

COMPLAINT FORM

Section 1 – your details

Please provide us with your name and contact details

Title	
First name	
Last name	
Address	
Daytime telephone	
Evening telephone	
Mobile telephone	
Email	

Section 2

Please tell us which complainant type best describes you:

Member of the public	√
An elected or co-opted Member of an Authority	
An Independent Member of the Standards Committee	
Member of Parliament	
Local Authority Monitoring Officer	
Other Council officer or Authority employee	
Other (please specify)	

Section 3

Please provide the name of the Member(s) you believe have breached the Code of Conduct and the name of their authority

Title	First name	Last name	Council or authority name

Section 4

Please explain in this section (or on separate sheets if preferred) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account. For example:

You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was that they said
You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe
You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible
You should provide any relevant background information

Section 5 - details

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

--



ONLY COMPLETE THE NEXT SECTION IF YOU ARE REQUESTING THAT YOUR IDENTITY IS KEPT CONFIDENTIAL

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint

Section 6 - additional help

Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

Please return your completed form to:

The Audit Manager/Monitoring Officer,
Newcastle Borough Council,
Civic Offices,
Merrial Street,
Newcastle,
Staffs, ST5 2AG.

Telephone: 01782 742122 / 742201

Email: StandardsCommittee@newcastle-staffs.gov.uk



NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

ARRANGEMENTS FOR DEALING WITH STANDARDS **ALLEGATIONS UNDER THE LOCALISM ACT 2011**

1. Context

These 'arrangements' set out how you may make a complaint that an elected or co-opted Member of this Authority *[or of a parish council within its area]* has failed to comply with the Authority's Code of Conduct, and sets out how the Authority will deal with allegations of a failure to comply with the Authority's Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place 'arrangements' under which allegations that a Member or co-opted Member of the Authority *[or of a parish council within the authority's area]*, or of a committee or sub-committee of the Authority, has failed to comply with that Authority's Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or by a Member *[or a Member or co-opted Member of a parish council]* against whom an allegation as been made.

2. The Code of Conduct

The Council has adopted a Code of Conduct for Members, which is attached as Appendix A to these arrangements and is available for inspection on the Authority's website and on request from the Monitoring Officer.

[Each parish council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council's Code of Conduct, you should inspect any website operated by the parish council and request the parish clerk to allow you to inspect the parish council's Code of Conduct.]

3. Making a complaint

If you wish to make a complaint, please write to:

The Audit Manager/Monitoring Officer,
Civic Offices,
Merrial Street,
Newcastle,
Staffordshire, ST7 2AG

Or email: StandardsCommittee@newcastle-staffs.gov.uk

The Monitoring Officer has statutory responsibility for maintaining the Register of Members' Interests and is responsible for administering the system in respect of complaints of Member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the Authority's website, or available on request from the Monitoring Officer.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent. The Authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within five working days of receiving it, and will keep you informed of the progress of your complaint.

4. Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, she will inform you of his decision and the reasons for that decision.

Where she requires additional information in order to come to a decision, she may come back to you for such information, and may request information from the Member against whom your complaint is directed.

[Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.]

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the Authority. Where the Member or the Authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and/or other regulatory agencies.

5. How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, she will appoint an Investigating Officer, who may be another senior officer of the Authority,

an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the Member against whom you have complained and provide him/her with a copy of your complaint, and ask the Member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential, or if disclosure of details of the complaint to the Member may prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if she is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned [*and to the Parish Council, where your complaint relates to a Parish Councillor*], notifying you that she is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, she may ask the Investigating Officer to reconsider his/her report.

7. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Standards Committee or, after consulting the Independent Person, seek local resolution.

Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the Member complies with the suggested resolution, the Monitoring Officer will

report the matter to the Standards Committee *[and the Parish Council]* for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a local hearing.

1.1 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the Member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Standards Committee which will conduct a local hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

The Council has agreed a procedure for local hearings, which is attached as Appendix 3 to these arrangements.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Standards Committee may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Standards Committee. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Committee concludes that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Committee will then consider what action, if any, they should take as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Committee will give the Member an opportunity to make representations to it and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

2 What action can the Standards Committee take where a Member has failed to comply with the Code of Conduct?

The Council has delegated to the Standards Committee such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly the Committee may:

2.1 Censure or reprimand the Member;

- 2.2 Publish its findings in respect of the Member's conduct;
- 2.3 Report its findings to Council *[or to the Parish Council]* for information;
- 2.4 Recommend to the Member's Group Leader (or in the case of ungrouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 2.5 Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 2.6 Recommend to Council that the Member be replaced as Executive Leader;
- 2.7 Instruct the Monitoring Officer to *[or recommend that the Parish Council]* arrange training for the Member;
- 2.8 Remove *[or recommend to the Parish Council that the Member be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;
- 2.9 Withdraw *[or recommend to the Parish Council that it withdraws]* facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- 2.10 Exclude *[or recommend that the Parish Council exclude]* the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Committee has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances.

3 What happens at the end of the hearing?

The Independent Person will be invited to attend all meetings of the Standards Committee which are related to an ongoing investigation. His views are sought and taken into consideration before the Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

At the end of the hearing, the Chair will state the decision of the Committee as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Committee, and send a copy to you, to the Member *[and to the Parish Council]*, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

4 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the Members of Council.

A person cannot be “independent” if he/she:

- 4.1 Is, or has been within the past five years, a Member, co-opted Member or officer of the authority, with the exception that former Independent Members of Standards Committees can be appointed as Independent Persons;
- 4.2 *[Is or has been within the past five years, a Member, co-opted Member or officer of a parish council within the authority’s area], or*
- 4.3 Is a relative or close friend of a person within paragraph 11.1 or 11.2 above. For this purpose, “relative” means:
 - 4.3.1 Spouse or civil partner;
 - 4.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 4.3.3 Grandparent of the other person;
 - 4.3.4 A lineal descendant of a grandparent of the other person;
 - 4.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
 - 4.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
 - 4.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

5 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Standards Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

6 Appeals

There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer or of the Standards Committee.

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

APPENDIX A



CODE OF CONDUCT FOR MEMBERS – JULY 2012

1. Application

This Code of Conduct applies to you whenever you are acting in your capacity as a Member of the Borough Council of Newcastle-under-Lyme, including:

- 1.1 At formal meetings of the Council, its committees and sub-committees and its Cabinet and Cabinet committees
- 1.2 When acting as a representative of the Authority
- 1.3 In taking any decision as a Cabinet member or Ward Councillor
- 1.4 In discharging your functions as a Ward Councillor
- 1.5 At briefing meetings with officers
- 1.6 At site visits
- 1.7 When corresponding with the Authority other than in a private capacity

2. General Conduct

You must:

- 2.1 Provide leadership to the Authority and communities within its area, by personal example; and
- 2.2 Respect others and not bully any person
- 2.3 Recognise that officers (other than political assistants) are employed by and serve the whole Authority
- 2.4 Respect the confidentiality of information which you receive as a Member by:
 - 2.4.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and overriding public interest in doing so; and
 - 2.4.2 not obstructing third parties' legal rights of access to information

- 2.5 Not misconduct yourself in a manner which is likely to bring the Authority into disrepute
- 2.6 Use your position as a Member in the public interest and not for personal advantage
- 2.7 Accord with the Authority's reasonable rules on the use of public resources for private and political purposes
- 2.8 Exercise your own independent judgment, taking decisions for good and substantial reasons by:
 - 2.8.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - 2.8.2 paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of the Paid Service, the Monitoring Officer and the Chief Finance Officer; and
 - 2.8.3 stating the reasons for your decisions where those reasons are not otherwise apparent
- 2.9 Account for your actions, particularly by supporting the Authority's scrutiny function
- 2.10 Ensure that the Authority acts within the law.

3. Disclosable Pecuniary Interests

You must:

- 3.1 Comply with the statutory requirements in order to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest (DPI(s))
- 3.2 Ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your DPis
- 3.3 Make verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
- 3.4 'Meeting' means any meeting organised by or on behalf of the Authority, including:
 - 3.4.1 any meeting of the Council, or a committee or sub-committee of the Council

- 3.4.2 any meeting of the Cabinet and any committee of the Cabinet
- 3.4.3 in taking a decision as a Ward Councillor or as a Member of the Cabinet
- 3.4.4 at any briefing by officers; and
- 3.4.5 at any site visit to do with business of the Authority.

4. Other Interests

- 4.1 In addition to the requirements of paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a 'non-disclosable pecuniary interest or non-pecuniary interest' in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 4.2 You have a 'non-disclosable pecuniary interest or non-pecuniary interest' in an item of business of your authority where:
 - 4.2.1 a decision in relation to that business might reasonably be regarded as affecting the wellbeing or financial standing of you or a member of your family or a person with who you 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 or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
 - 4.2.2 it relates to or is likely to affect any of the interests listed in the table in the appendix to this Code, but in respect of a member of your family (other than a 'relevant person') or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

5. Gifts and Hospitality

- 5.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a Member from any person or body other than the Authority
- 5.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality
- 5.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

APPENDIX B

Disclosable Pecuniary Interests (DPIs)

The duties to register, disclose and not to participate in respect of any matter in which a Member has a DPI are set out in Chapter 7 of the Localism Act 2011.

DPIs are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

INTEREST	PRESCRIBED DESCRIPTION
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority)
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the area of the relevant authority
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer
Corporate tenancies	Any tenancy where (to the Member's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant authority has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either – (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

For this purpose:

'the Act' means the Localism Act 2011

'body in which the relevant person has a beneficial interest' means a firm in which the relevant person is a partner or a body corporate of which the relevant person has a beneficial interest

'director' includes a member of the committee of management in an industrial or provident society

'land' excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income

'Member' includes a co-opted Member

'relevant authority' means the Member's Authority

'relevant period' means the period of 12 months ending with the day on which a Member gives a notification for the purposes of Section 30(1) or 31(7) as the case may be, of the Act

'relevant person' means the Member or any other person referred to in Section 30(3)(b) of the Act

'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

This page is intentionally left blank



CODE OF CONDUCT FOR MEMBERS – JULY 2012

1. Application

This Code of Conduct applies to you whenever you are acting in your capacity as a Member of the Borough Council of Newcastle-under-Lyme, including:

- 1.1 At formal meetings of the Council, its committees and sub-committees and its Cabinet and Cabinet committees
- 1.2 When acting as a representative of the Authority
- 1.3 In taking any decision as a Cabinet member or Ward Councillor
- 1.4 In discharging your functions as a Ward Councillor
- 1.5 At briefing meetings with officers
- 1.6 At site visits
- 1.7 When corresponding with the Authority other than in a private capacity

2. General Conduct

You must:

- 2.1 Provide leadership to the Authority and communities within its area, by personal example; and
- 2.2 Respect others and not bully any person
- 2.3 Recognise that officers (other than political assistants) are employed by and serve the whole Authority
- 2.4 Respect the confidentiality of information which you receive as a Member by:
 - 2.4.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and overriding public interest in doing so; and
 - 2.4.2 not obstructing third parties' legal rights of access to information
- 2.5 Not misconduct yourself in a manner which is likely to bring the Authority into disrepute
- 2.6 Use your position as a Member in the public interest and not for personal advantage

- 2.7 Accord with the Authority's reasonable rules on the use of public resources for private and political purposes
- 2.8 Exercise your own independent judgment, taking decisions for good and substantial reasons by:
 - 2.8.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - 2.8.2 paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of the Paid Service, the Monitoring Officer and the Chief Finance Officer; and
 - 2.8.3 stating the reasons for your decisions where those reasons are not otherwise apparent
- 2.9 Account for your actions, particularly by supporting the Authority's scrutiny function
- 2.10 Ensure that the Authority acts within the law.

3. Disclosable Pecuniary Interests

You must:

- 3.1 Comply with the statutory requirements in order to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest (DPI(s))
- 3.2 Ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your DPIs
- 3.3 Make verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
- 3.4 'Meeting' means any meeting organised by or on behalf of the Authority, including:
 - 3.4.1 any meeting of the Council, or a committee or sub-committee of the Council
 - 3.4.2 any meeting of the Cabinet and any committee of the Cabinet
 - 3.4.3 in taking a decision as a Ward Councillor or as a Member of the Cabinet
 - 3.4.4 at any briefing by officers; and
 - 3.4.5 at any site visit to do with business of the Authority.

4. Other Interests

- 4.1 In addition to the requirements of paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a 'non-disclosable pecuniary interest or non-pecuniary interest' in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 4.2 You have a 'non-disclosable pecuniary interest or non-pecuniary interest' in an item of business of your authority where:
- 4.2.1 a decision in relation to that business might reasonably be regarded as affecting the wellbeing or financial standing of you or a member of your family or a person with who you 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 or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- 4.2.2 it relates to or is likely to affect any of the interests listed in the table in the appendix to this Code, but in respect of a member of your family (other than a 'relevant person') or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

5. Gifts and Hospitality

- 5.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a Member from any person or body other than the Authority
- 5.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality
- 5.3 This duty to notify the Monitoring officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose

Disclosable Pecuniary Interests (DPIs)

The duties to register, disclose and not to participate in respect of any matter in which a Member has a DPI are set out in Chapter 7 of the Localism Act 2011.

DPIs are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

INTEREST	PRESCRIBED DESCRIPTION
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority)
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the area of the relevant authority
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer
Corporate tenancies	Any tenancy where (to the Member's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant authority has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either – (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

For this purpose:

'the Act' means the Localism Act 2011

'body in which the relevant person has a beneficial interest' means a firm in which the relevant person is a partner or a body corporate of which the relevant person has a beneficial interest

'director' includes a member of the committee of management in an industrial or provident society

'land' excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income

'Member' includes a co-opted Member

'relevant authority' means the Member's Authority

'relevant period' means the period of 12 months ending with the day on which a Member gives a notification for the purposes of Section 30(1) or 31(7) as the case may be, of the Act

'relevant person' means the Member or any other person referred to in Section 30(3)(b) of the Act

'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

This page is intentionally left blank

Hoey Ainscough Associates Ltd

SEVEN PRINCIPLES OF PUBLIC LIFE: CHANGES TO DEFINITIONS

In its recent report *Standards matter: a review of best practice in promoting good behaviour in public life*, the Committee on Standards in Public Life has re-defined some of the definitions of the seven principles of public life. This follows research with the public into whether the principles, first articulated in 1996, were still valid and, if so, whether the 1996 definitions reflected public understanding of what was meant by each principle.

Under the Localism Act 2011, your Code of Conduct must be based on the seven principles. In some cases, authorities have included the definition of the principles as part of their preamble to the Code, so may wish to update their Codes to reflect these revised definitions in due course, though it should not have any direct impact on the types of behaviour which are caught under a local Code.

The revised principles are as follows:

Principle	Revised description
Preamble	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
Selflessness	Holders of public office should act solely in terms of the public interest.
Integrity	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

SEVEN PRINCIPLES OF PUBLIC LIFE: CHANGES TO DEFINITIONS

Openness	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty	Holders of public office should be truthful.
Leadership	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

What's changed?

The changes are as follows:

1. The definition of **selflessness** has been considerably shortened. The second part of the original definition – about not taking decisions solely for the benefit of yourself, friends or family – has now been included under 'integrity'. This, as the first principle, now means that the opening statement is short and to the point and reinforces the notion of people in public life acting solely in the public interest.
2. By contrast **integrity** has now been expanded to include the wording relating to personal benefit. It also now has a specific statement about the need to declare and resolve any relationships. This underpins the importance of the need to declare interests and, where necessary, remove oneself from the decision-making process to protect the public good.
3. The definition of **objectivity** has been expanded to define what is meant by taking a decision 'on merit' – that is it should be evidence-based, avoid discrimination and be unbiased.
4. The definition of **accountability** remains largely unchanged, though there has been a slight adjustment to the wording.
5. The definition of **openness** has been strengthened, with a much greater emphasis on information being withheld only where there are clear legal reasons to do so. Previously, it had merely stated that one should be as open as possible and restrict information only when the wider public interest demands it. Since the original definition was drawn up, the 'transparency landscape' has clearly changed with the advent of the Freedom of Information and Data Protection Acts which now set out a much clearer legal framework within which to operate.
6. The definition of **honesty** has undergone the most radical change. This had previously been defined in terms of declarations of interest, and therefore overlapped with 'selflessness' and 'integrity'. However, its definition now relates to truthfulness – in line with public understanding of what they felt was meant by the principle of 'honesty'.
7. The definition of **leadership** has been widened. It is now no longer simply about leading by example but places greater emphasis not only on active promotion of standards but also on actively challenging poor behaviour.

HOEY AINSCOUGH ASSOCIATES LTD 28 JANUARY 2013

DISCLOSABLE PECUNIARY INTERESTS

a simple guide for members

What is a disclosable pecuniary interest?

A disclosable pecuniary interest (DPI) is a type of interest which a councillor is required by law to put on their register of interests and declare when matters affecting that interest arise in meetings. Failure to do so is a criminal offence.

What are the interests?

They are the interests of you or your partner which fall within certain categories. These are set out in the registration form you will have to fill in when elected.

If it is not covered by a category on the form, you do not have a disclosable pecuniary interest.

How do I know if I have a DPI when something crops up in a meeting?

In order to have a DPI, the business must directly affect your interest – for example, you have registered your property and it is your own planning application, or your partner has registered their employer and the matter is directly about that employer.

You **do not** have a DPI if the matter merely affects your interest rather than being specifically about your interest. For example, a planning application in the same street is not specifically about your interest, neither is a development which affects the whole community specifically about your own personal interest.

Your local code may ask you to declare those as 'other interests' but they are not DPIs so the rules on DPIs do not apply.

What do I do if I have a DPI?

You must withdraw from the meeting and not take part in any discussion or vote as soon as it becomes clear you have a DPI, unless you have been granted a specific dispensation by the council.

How can I get a dispensation and in what circumstances?

If you want a dispensation to be able to take part in a debate where you have a DPI, you must apply in writing to the designated council officer – usually the monitoring officer or town clerk – stating why you want a dispensation. The council can grant a dispensation for a range of reasons, including where they believe it is in the public interest to allow you to participate

What happens if my DPIs change?

If one of your DPIs change – for example you move house or change employment – you must notify the monitoring officer within 28 days and ask for your register of interests to be updated.

What other interests might I need to declare apart from DPIs?

This will depend on your local code but typically most councils would expect you also to declare an interest where something affects a member of your family, a friend, business associate or body of which you are a member more than it affects the majority of people in the area.

In those circumstances, it is usual that you would not be allowed to vote on the matter though your code may allow you to speak before withdrawing from the meeting.

You may also be required to register membership of outside bodies on your register of interests and also any hospitality or gifts you receive above a set level.

However, these other interests are not DPIs and are therefore not subject to criminal sanctions.

If in doubt ask the advice of your monitoring officer or town clerk.

September 2013

Hoey Ainscough Associates Ltd
Supporting Local Governance

www.hoeyainscough.co.uk
hello@hoeyainscough.co.uk
07899 063 930 / 07890 243 567



Department for
Communities and
Local Government

Openness and transparency on personal interests

A guide for councillors

© Crown copyright, 2012

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.communities.gov.uk

Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

August 2012

ISBN: 978-1-4098-3604-9

The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011¹.

Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.²

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority

¹ The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

² The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- the Broads Authority
- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.³

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of honesty - that **'holders of public office have a duty to declare any private interests**

³ <http://www.communities.gov.uk/publications/localgovernment/localcodeconduct>

relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest⁴.

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose⁵ this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are

⁴ http://www.public-standards.gov.uk/Library/Seven_principles.doc

⁵ If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

associated) and wider financial interests they might have (for example trust funds, investments, and assets including land and property).

Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests of your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district or borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a

criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

Annex

Description of disclosable pecuniary interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank