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Standards Committee

Wednesday 30th May 2012 at 10.00a.m.

COMMITTEE ROOM 1, PARK NORTH, NORTH STREET, HORSHAM

Councillors: Andrew Baldwin
David Coldwell
Brian Donnelly

Sheila Matthews
Godfrey Newman
Claire Vickers

Parish Council Representatives:
Valerie Court

Isabel Glenister

Independent Representatives:
Eric Blackburn
Paul Byford

Mary Jagger
David Tilsley

*In anticipation of your appointment at the annual Council meeting on 23rd May 2012,
you are summoned to the meeting to transact the following business*

TOM CROWLEY
Chief Executive

AGENDA

- | | Page
No. |
|--|---------------------|
| 1. Election of Chairman | |
| 2. Appointment of Vice-Chairman | |
| 3. Apologies for absence. | |
| 4. To approve the minutes of the meeting of the Committee held on 14 th March 2012 (attached hereto) | 1 |
| 5. To receive any declarations of interest from Members of the Committee | |
| 6. To receive any announcements from the Chairman of the Committee, the Chief Executive or the Monitoring Officer | |
| 7. To receive the minutes of the meeting of the Local Assessment Sub-Committee held on 4 th April 2012 (attached) | |

8. To note the list of Standards Committee Reports and Documents available for inspection **12**
9. To receive a report from the Parish Council representatives
10. To consider the following report by the Monitoring Officer:
 - (i) The Localism Act 2011: Update on the revised Standards' Regime and consultation on the revised Code of Members' Conduct **18**
11. Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

STANDARDS COMMITTEE

14th March 2012

Present: Councillors: David Coldwell, Brian Donnelly, Sheila Matthews, Claire Vickers

Parish Council Representatives: Val Court, Isabel Glenister

Independent Representatives: Paul Byford, Eric Blackburn (Chairman), David Tilsey

Apologies: Councillors: Andrew Baldwin, Godfrey Newman

Independent Representatives: Mary Jagger (Vice-Chairman)

SC/25 **MINUTES**

The minutes of the meeting of the Committee held on 7th December 2011 were approved as a correct record and signed by the Chairman.

SC/26 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/27 **ANNOUNCEMENTS**

There were no announcements.

SC/28 **MINUTES OF THE LOCAL ASSESSMENT SUB-COMMITTEES ON 11TH JANUARY 2012 AND 10TH FEBRUARY 2012**

The minutes of the meetings of the Local Assessment Sub-Committee held on 11th January 2012 and 10th February 2012 were received.

It was noted that the Sub-Committee had resolved that the complainant's details be kept anonymous at the meeting on 11th January because of exceptional circumstances.

SC/29 **STANDARDS COMMITTEE REPORTS AND DOCUMENTS AVAILABLE FOR INSPECTION**

The list was noted.

SC/30 **REPORT BY PARISH COUNCIL REPRESENTATIVES**

Val Court, thanked the Monitoring Officer for delivering a presentation on the Localism Act at the most recent meeting of HALC, which had been well received. The meeting had been well attended by parish councillors.

Isabel Glenister reported that the next meeting of HALC would take place on 26 March 2012 in Rudgwick.

SC/31 **ETHICAL FRAMEWORK UPDATE**

The Monitoring Officer reported on developments in the ethical framework that affected the role and activities of Councillors and the Council's business, including:

- **Standards for England:** The regulatory role of Standards for England had ceased on 31 January 2012 and it was in the process of passing outstanding cases back to the relevant standards committees. The statutory instrument abolishing the body had now been issued and was to take effect on 1 April 2012.
- **Training and awareness** – The Monitoring Officer had provided training on the standards framework and conducting local assessments for Val Court and on the Code of Members' Conduct for Stuart Ritchie, the newly elected District Councillor.
- **Local Assessment, Review, Other Action, Investigations and Determinations:** Two Local Assessment meetings had taken place since the last Ethical Framework Update; in both cases the Sub-Committee decided to take no further action. A draft schedule of membership for upcoming Local Assessment meetings was attached to the report for approval running to 27 June 2012, the final scheduled Local Assessment meeting under the current regime. Two further meetings of the Standards Committee were currently scheduled under the existing regime, on 30 May and 27 June 2012.
- **The Localism Act 2011:**
Complaints:

The Localism Act required the Council to put in place arrangements for investigating complaints of breaches of the Code of Members' Conduct by both district and parish members and co-opted members. Members favoured the retention of an ordinary committee of Council to carry out this function, with sub-committees to hear complaints in certain circumstances. The committee would comprise elected councillors with voting rights. It was considered that two Independent Persons and two Parish Representatives should be co-opted to this committee but it was noted that they would have no voting rights. It was considered that it would not be appropriate for the Monitoring Officer to deal with all complaints herself considering the scope for conflicts to arise, especially where complaints were about District Councillors but that she should be given greater discretion to settle complaints without the need for an investigation where possible. At the very least it would be necessary to have a mechanism in place to enable the Monitoring Officer to obtain support for any decisions reached from a

SC/31 Ethical Framework Update (cont.)

committee of members. An Independent Person should be consulted before complaints were considered by an assessment sub-committee; a Parish Representative should also be consulted where the complaint concerned a parish councillor. It was considered that the same procedures should be used for both District and Parish Council complaints.

There was no requirement in the legislation to have a mechanism for a complainant to appeal any decisions reached on conduct complaints to take no action; counsel's opinion had been sought which had concluded this was not a violation of human rights since there was the possibility of going to the Local Government Ombudsman or challenging the decision through judicial review. However, Members considered that a right of appeal for the complainant in conduct cases should be retained.

Independent Person(s):

The Localism Act required the Council to appoint an Independent Person. Currently the existing Independent Members of the Committee would be ineligible to apply, although it was anticipated that this may change. It was noted that experienced Independent Members could be lost if the position did not change. The Monitoring Officer had obtained authority from Council to advertise for an Independent Person; even if the existing Independent Members became eligible there would still be a requirement to advertise the position. It was intended that two Independent Persons be recruited so that there was a reserve in case one of them had a conflict of interest. An allowance of up to £1195 per year for each Independent Person had been approved by Council, the same amount paid to the current Independent Members. This would result in a saving for the Council as two rather than four people would be receiving the allowance. There would be a requirement to consult the Independent Person on conduct complaints. There had been discussion with other local authorities in the area about the possibility of sharing Independent Persons, but in light of the differences in pay between the authorities and the fact the Independent Persons were likely to have a relatively heavy workload this was not considered to be a feasible option.

Code of Conduct:

The Localism Act required the Council to adopt a Code of Members' Conduct. Members supported the idea of retaining a Code of Members' Conduct similar to the existing Code, incorporating the Nolan Principles, paragraphs 3 to 5 of the existing Code and provisions in relation to interests. Members were hopeful that the parish councils in the District would all adopt the same Code of Conduct as the District Council. It was noted that West Sussex County Council had resolved to adopt a new regime which was the same as the existing regime, save that dispensations would now be dealt with by the Monitoring Officer rather than the Standards Committee.

SC/31 Ethical Framework Update (cont.)

- **Standards' Liaison Group:** A meeting of the Chairman's Standards' Liaison Group had been held on 6 March 2012. It had been agreed that a Code of Conduct similar to the existing one should be adopted. The general consensus was also in favour of creating an ordinary committee of Council to promote and maintain high standards of conduct and deal with complaints about member conduct as under the current regime. Decisions as to the grant of dispensations should be delegated to the Monitoring Officer.
- **Parish Clerks' Meeting:** The Monitoring Officer had attended the Society of Local Council Clerks' meeting on 24 January 2012 and provided an update from the last Standards Committee meeting and general advice on the Localism Act in relation to the standards regime. The Clerks were relieved to note that the District Council would have to have arrangements in place for dealing with complaints of breaches of the Code of Conduct by Parish Councillors. They agreed it would be preferable if all parish councils and the District Council adopted the same Code. The Monitoring Officer hoped to be in a position to give them more information at their meeting in April.
- **Standards in Public Life:** The Committee on Standards in Public Life had published its submission to the Select Committee carrying out pre-legislative scrutiny on a draft Bill on the recall of MPs. If the Bill were to be enacted similar arrangements for councillors could follow.
- **Freedom of information:**
For the period 1 October to 31 December, the Council had received 126 requests for information under the Freedom of Information Act, Environmental Information Regulations and Data Protection Act. The Information Commissioner had issued guidance in December 2011 outlining when information held in private email accounts falls within the scope of the Freedom of Information Act. All members had been advised of this guidance.
- **Performance management:** From 1 October to 31 December 2011 the Council had received 18 complaints, no suggestions and 23 compliments. During the previous monitoring period of 1 July to 30 September 2011 the Council had received 26 complaints, no suggestions and 42 compliments.
- **Data Protection:** The Information Commissioner had not alerted the Council to any breaches of the Data Protection Act within the last six months. The Information Commissioner had fined local authorities in England, Wales and Scotland over £1 million since his power to serve monetary penalties was introduced in 2010.
- **Regulation of Investigatory Powers Act 2000 (RIPA):** On 20 January 2012 a briefing note on RIPA and the proposed changes in the Protection of Freedoms Bill had been circulated to members of the Scrutiny & Overview Committee. On 1 February 2012 a new Procedure and Guidance document from the Office of Surveillance Commissioners had been circulated to members of the RIPA Forum.
- **A Local Government Ombudsman case update January to March 2012** was presented.

SC/31 Ethical Framework Update (cont.)

- **A standards case update January to March 2012** was presented.
- **Constitution update:** On 22 February 2012 Council had approved structural changes at the Council and Councillor Ray Dawe had been elected as Leader and selected his Cabinet; consequential changes to the Constitution were to be drafted.
- **Standards Annual Report:** The Chairman of the Committee was in the process of drafting the Standards Committee Annual Report 2011-12, which would be presented to Council on 25 April 2012.
- **Work Programme update:** The work programme would be considered further when the future of the standards regime at Horsham was clearer.
- **Members' Bulletin:** An update on the core provisions of the revised standards regime had been included in the Members' Bulletin on 5 December 2011.

RESOLVED

- (i) That the matters set out in the report be noted.

REASON

- (i) To ensure that the Committee, the Members of the Council and others to whom the report is circulated are kept up to date with developments in the ethical framework.

SC/32 THE OMBUDSMAN UPDATE

The Standards Support Officer reported on the developments, volume and nature of complaints about the Council to the Local Government Ombudsman, including figures for the 2011/12 reporting year.

The latest draft Annual Review statistics from the Ombudsman were expected in late April or early May and would be reported to the Committee at its next meeting.

In the past 12 months since 1 March 2011, 13 cases had been referred to the Ombudsman. This compared with 14 in the previous reporting period, which had only covered 11 months.

Seven cases had been deemed premature as they had not yet been through the Council's corporate complaints mechanism. One case was ongoing, four had been determined as showing no or insufficient evidence of maladministration and one had been withdrawn by the complainant.

SC/32 The Ombudsman Update (cont.)

RESOLVED

That the report be noted.

REASONS

- (i) to ensure that the Committee has the necessary information to ensure that complaints can be easily made to the Council and properly responded to.
- (ii) to assist with learning lessons and improving performance following complaints made to the Local Government Ombudsman about the Council.

SC/33 **URGENT ITEMS**

There were no urgent matters to be considered.

The meeting finished at 11.32am having commenced at 10.00am.

CHAIRMAN

STANDARDS COMMITTEE
LOCAL ASSESSMENT SUB-COMMITTEE
4th APRIL 2012

Present: Councillor Brian Donnelly, Eric Blackburn (Independent Representative), Isabel Glenister (Parish Council Representative)

LA/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Eric Blackburn be appointed Chairman of the Sub-Committee for the purposes of this meeting.

LA/2 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

LA/3 **ASSESSMENT UNDER S57A OF THE LOCAL GOVERNMENT ACT 2000 (AS AMENDED) AND THE STANDARDS COMMITTEE (ENGLAND) REGULATIONS 2008 IN RELATION TO ALLEGATIONS THAT DISTRICT COUNCILLOR ANDREW DUNLOP FAILED TO COMPLY WITH HORSHAM DISTRICT COUNCIL'S CODE OF MEMBERS' CONDUCT**

The Local Assessment Sub-Committee considered a complaint by way of an allegation that District Councillor Andrew Dunlop failed to comply with Horsham District Council's Code of Members' Conduct (the Code).

Councillor Dunlop was a District Councillor and local member for the Cowfold, Shermanbury and West Grinstead Ward. He sat on the Development Control (South) Committee and the Scrutiny & Overview Committee. He was Chairman of the Business Improvement Working Group and sat on the Budget Review Working Group. He was first elected to the Council in May 2011. The complainant was the Chief Executive of the Council. The allegation was that Councillor Dunlop acted contrary to the Members' Code of Conduct by using his Council parking permit to park in a Council-owned car park for free when not on Council business.

It was alleged that Councillor Dunlop parked in the BT Exchange Car Park in Horsham in breach of Council policy. The complainant contended that this was brought to Councillor Dunlop's attention on 6th March 2012 in an email from the Director for Development & Environment. It was further contended that the Councillor responded on 9th March 2012 stating that he must not have read the rules properly at the outset regarding proper use of parking permits. The complaint alleged that, on 14th March 2012, Councillor Dunlop responded to a press enquiry from the West Sussex County Times regarding this matter; he sent a statement to the News Editor outlining his version of events and apologising for any inappropriate use of the pass. The complaint alleged he stated that once it was brought to his attention that he could only use the permit when on Council business he immediately refrained from using the car park in question. A copy of this statement was

sent to the Leader of the Council, the Leader of the Opposition and the Chief Executive. It was also published in an article in the West Sussex County Times. It was further alleged that, on 14th March 2012, Councillor Dunlop requested information on how much money he should repay the Council for the days he had parked in the car park when not on Council business and whether he could refer himself to the Standards Committee. The complainant alleged that, on 15th March 2012, Councillor Dunlop emailed the Chief Executive and Director for Development & Environment stating that he believed he had parked in the car park when not on Council business on seven occasions and that he had calculated the amount he therefore owed the Council in parking fees; he again requested information on how to pay. It was contended that, on 16th March 2012, Councillor Dunlop emailed the Chief Executive confirming that he had repaid the sum of £52.50 to the Council.

The allegation also included a copy of a letter dated 6th May 2011 to all newly elected councillors which stated "You will also be provided with a car parking pass which enables you to park in some of the Council's car parks whilst on Council business ..."

It was alleged that Councillor Dunlop's conduct had breached paragraphs 5 and 6 of the Code.

DECISION

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Local Assessment Sub-Committee decided that there might be breaches of the Code of Members' Conduct in respect of the use of the member car parking permit by Councillor Dunlop when not on Council business. However, the Sub-Committee directed that the case not be referred for a local investigation but rather that other steps be taken, namely that the Monitoring Officer be asked to arrange training for Councillor Dunlop in relation to the Council's rules regarding the use of car parking permits by members and the Code of Members' Conduct in general.

REASONS FOR THE DECISION

- 1) The Local Assessment Sub-committee was charged with determining whether the case was within the jurisdiction of the Sub-Committee and if so whether there was a potential breach of the Code of Members' Conduct. In the event that the facts disclosed a potential breach of the Code the Sub-Committee was required then to decide which course of action was appropriate. No investigation was carried out.
- 2) The Sub-Committee firstly considered whether or not the Member was acting within the scope of the Horsham District Council Code of Members' Conduct in the circumstances explained by the complainant.

- 3) Paragraph 2 of the Members' Code of Conduct provides that a member must comply with the Code whenever they are acting in their official capacity which includes when they are conducting the business of the Authority or act, claim to act or give the impression they are acting as a representative of the Authority.
- 4) Although only activities linked to the functions of a member's office are covered by the Code if what they do is disreputable a member cannot argue that by misusing their office they are not acting as a councillor and are, therefore, not caught by the provisions of the Code.
- 5) In *Livingstone v The Adjudication Panel for England* 2006 EWHC 2533 (Admin) Mr. Justice Collins made the following comments:

'If the words 'in performing his functions' are applied literally, it may be said that such misuse, and other misconduct which is closely linked to his position as such may not be covered. It seems to me that the expression should be construed so as to apply to a member who is using his position in doing or saying whatever is said to amount to misconduct. ... Where a member is not acting in his official capacity ... he will still be covered by the Code if he misuses his position as a member. The link with his membership of the authority in question is in my view needed.'

- 6) The Sub-Committee also considered the case of *APE 0455 (2009) the Adjudication Panel for England* which concluded that Councillors are still acting within the scope of the Code of Members' Conduct if they use Council property (in this case a Council laptop) supplied only for Council use for an improper purpose.
- 7) In all the circumstances the Sub Committee concluded that Councillor Dunlop's conduct did fall within the scope of paragraph 2 of the Code as the allegation made contended that he had misused Council property (in this case a councillor parking permit) to secure free parking when not on council business.
- 8) Paragraph 5 of the Code of Members' Conduct provides: "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office into disrepute"
"Disrepute" can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct a member's behaviour in office will bring that member's

office into disrepute if the conduct could reasonably be regarded as either:

- (1) reducing the public's confidence in that member being able to fulfil their role; or
- (2) adversely affecting the reputation of members generally, in being able to fulfil their role.

Conduct by a member which could reasonably be regarded as reducing public confidence in the authority being able to fulfil its functions and duties will bring the authority into disrepute.

- 9) It is not necessary to actually prove that a member's actions have actually diminished public confidence or harmed the reputation of an authority, in order to show a failure to comply. The test is whether or not a member's conduct "could reasonably be regarded" as having these effects. The test is objective and does not rely on any one individual's perception.
- 10) In the circumstances the sub-committee concluded that there was a potential that the allegation if proven could be regarded by an objective observer as bringing his office or authority into disrepute.
- 11) Paragraph 6 of the Code of Members' Conduct provides: "You (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and (b) must when using or authorising the use by others of the resources of your authority – (i) act in accordance with your authority's reasonable requirements....."
- 12) Resources of the authority include services and facilities as well as the financial resources of the authority and can include use of authority parking facilities. Reasonable requirements for the use of resources can be covered by a protocol or other terms and conditions. The general principle underlying such protocols should be that public office and public resources should not be used to further purely private or party political purposes.
- 13) The sub-committee concluded that there was a potential that the allegation if proven could amount to a breach of paragraph 6 of the Code as a result of the alleged use by Councillor Dunlop of the council's parking permit not in accordance with the Council's reasonable requirements.
- 14) The Sub-Committee also had regard to the indication made by the complainant that that Councillor Dunlop has admitted the matter and issued a statement of apology for any inappropriate use of the parking pass. The complaint

also indicated that he had repaid the sum of £52.50 to the Council in respect of parking charges due.

- 15) The Sub-Committee considered there was little public benefit in directing an investigation into the matter.
- 16) The key principle underlying the terms and conditions upon which a member parking pass is issued is that public office and public resources should not be used to further purely private purposes. Whilst the Sub-Committee make no findings as to fact the complaint as submitted suggests Councillor Dunlop had a poor understanding of these requirements in relation to the use of member parking permits.
- 17) That the action directed, namely training as to the Council's requirements in relation to the use of council resources and also the provisions of the Code of Members' Conduct, is a proportionate response to the allegation.
- 18) The Monitoring Officer has been consulted on the action directed and agrees that it is an appropriate course.

The meeting commenced at 10.00am; adjourned at 11.17am; reconvened at 12.10pm; and closed at 12.20pm.

CHAIRMAN

LIST OF STANDARDS COMMITTEE REPORTS AND DOCUMENTS – 2011 to 2012

The following reports and documents are available for inspection by arrangements with the Monitoring Officer and her staff.

The most up-to-date version of the list is available via the following link:

<http://www.horsham.gov.uk/council/members/1113.aspx>

PART A - REPORTS

Date of report	Subject of report
Past Reports	
14.01.09	Ethical Framework Update January 2009
1.04.09	Ethical Framework Update April 2009
1.04.09	Ombudsman Update April 2009
15.07.09	Ethical Framework Update July 2009
15.07.09	Report to Council – Appointment of Additional Parish Member of Standards Committee
21.10.09	Ethical Framework Update October 2009
21.10.09	Ombudsman Update October 2009
13.01.10	Ethical Framework Update January 2010
13.01.10	Work Programme and future Annual Reports 2010/11
28.04.10	Ombudsman Update April 2010
28.04.10	Ethical Framework Update April 2010
22.09.10	Ombudsman Update September 2010
22.09.10	Ethical Framework Update September 2010
08.12.10	Ethical Framework Update December 2010
16.03.11	Ethical Framework Update March 2011
16.03.11	Ombudsman Update March 2011
16.03.11	Standards Annual Report 2010-11
13.04.11	Report to Council – Standards Annual Report 2010-11
21.09.11	Ethical Framework Update September 2011
21.09.11	Ombudsman Update September 2011 and Annual Letter
21.09.11	Future of Standards at Horsham – Issues and Options Document
07.12.11	Ethical Framework Update December 2011
07.12.11	Revised Standards Regime Update December 2011
14.03.12	Ethical Framework Update March 2012
14.03.12	Ombudsman Update March 2012
30.05.12	The Localism Act 2011
Future Reports	
27.06.12	Ethical Framework Update June 2012
27.06.12	Ombudsman Update June 2012 and Annual Review Letter 2011-12

PART B – DOCUMENTS

	Description	Date	Publisher	Internet Links
SC410	A Plain English Guide to the Localism Bill	15.06.2011	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/1923416.pdf
SC411	Annual Report 2010/2011 – Delivering Public Value	14.07.2011	LGO	http://www.lgo.org.uk/publications/annual-report/
SC412	Life After Standards	20.06.2011	Bevan Brittan	http://www.bevanbrittan.com/articles/Pages/Lifewithoutstandards.aspx
SC413	Parish Clerk Sacked in Red Diesel Furore	26.07.2011	Cambridge News	http://www.cambridge-news.co.uk/Cambridge/Parish-clerk-sacked-in-red-diesel-furore-26072011.htm
SC414	ACSeS Backs Peers in Bid To Bolster Standards Provisions of Localism Bill	28.07.2011	LGL	http://www.localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=7440%3Aacses-backs-peers-in-bid-to-bolster-standards-provisions-of-localism-bill&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC415	Ombudsman Complaints Schedule March to September 2011 (interim)	21.09.2011	HDC	
SC416	Comparative Ombudsman Complaints Statistics to 31 March 2011	24.06.2011	LGO	http://www.lgo.org.uk/CouncilsPerformance/
SC417	Hansard Report 23 June 2011 Column 1475 Onwards	23.06.2011	Parliament	http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/110623-0003.htm
SC418	Local Government Ombudsman Case Update April to September 2011	21.09.2011	HDC	
SC419	Standards Case Update April to September 2011	21.09.2011	HDC	
SC420	Schedule of Local Assessment Sub-Committee Meetings 2011 to 2012	21.09.2011	HDC	
SC421	Annual Report and Accounts 2010 to 2011	18.07.2011	SfE	http://www.standardsforengland.gov.uk/media/Standards%20for%20England%20Annual%20Report%20and%20Accounts%20HC%201247%20v1.pdf

	Description	Date	Publisher	Internet Links
SC422	Standards Regime Post Localism at Horsham – Issues and Options	30.08.2011	HDC	
SC423	The Future of Standards of Conduct of Members of Local Authorities in England – Update	20.07.2011	NALC	http://www.horsham.gov.uk/files/SC423.pdf
SC424	Localism Bill - Second Marshalled List of Amendments to Standards Provisions	05.09.2011	Parliament	
SC425	Local Authorities Could Still be Obligated to Have Code of Conduct as Minister Signals Localism Bill Concession	15.09.2011	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=7898%3Alocal-authorities-could-still-be-obliged-to-have-code-of-conduct-as-minister-signals-localism-bill-concession&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC426	Survey of Public Attitudes Toward Conduct in Public Life 2010	01.09.2011	Committee on Standards in Public Life	http://www.public-standards.gov.uk/Library/CSPL_survey_Final_web_version.pdf
SC427	Hansard Report 12 September 2011 Column 609 Onwards	12.09.2011	Parliament	http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/110912-0003.htm
SC428	Hansard Parliamentary Debates House of Lords Official Report Localism Bill (4 th Day) (page 44 onwards)	14.09.2011	Parliament	http://www.publications.parliament.uk/pa/ld201011/ldhansrd/lhan195.pdf
SC429	Citizenship Survey April 2010 to March 2011	22.09.2011	DCLG	http://www.communities.gov.uk/documents/statistics/pdf/1992885.pdf http://www.communities.gov.uk/documents/statistics/xls/1992761.xls
SC430	Government response to the Communities and Local Government Select Committee's Report: Localism	23.09.2011	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/1993667.pdf
SC431	Preliminary Draft Model Code of Conduct for Members	07.10.2011	ACSeS	http://www.horsham.gov.uk/files/SC431.pdf
SC432	Standards for England Case Review 2010 Update (to 31 August 2011)	11.10.2011	SfE	http://www.standardsforengland.gov.uk/media/Case%20review%20111011.pdf
SC433	Ministers Amend Localism Bill to Require Authorities to Have Code of Conduct	27.10.2011	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=8332%3Aministers-amend-localism-bill-to-require-authorities-to-have-code-of-conduct&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC434	Localism Bill Amendments to Be Moved on Third Reading – Standards Provisions	27.10.2011	Parliament	http://www.publications.parliament.uk/pa/bills/lbill/2010-2012/0100/amend/am100-b.htm

	Description	Date	Publisher	Internet Links
SC435	Councils Will Have to Rely on Existing Sanctions for Conduct Breaches	02.11.2011	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=8387%3Acouncils-will-have-to-rely-on-existing-sanctions-for-conduct-breaches-says-minister&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC436	Updated Blogging Quick Guide	04.11.2011	SfE	http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/CodeGuidance/Onlineguides/Quickcodeguides/BloggingQuickGuide/
SC437	Local Government Ombudsman Case Update October to December 2011	07.12.2011	HDC	
SC438	Standards Case Update October to December 2011	07.12.2011	HDC	
SC439	The Localism Act 2011	15.11.2011	Parliament	http://www.legislation.gov.uk/ukpga/2011/20/pdfs/ukpga_20110020_en.pdf
SC440	Localism Bill Royal Assent Update	16.11.2011	SfE	http://www.standardsforengland.gov.uk/news/futureofthelocalstandardsframework/
SC441	A Plain English Guide to the Localism Act - Update	15.11.2011	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/1896534.pdf
SC442	Responses to the Localism Bill receiving Royal Assent	16.11.2011	DCLG	http://www.communities.gov.uk/newsstories/localgovernment/2031000
SC443	Localism Act code of conduct provisions "create as many difficulties as they resolve"	21.11.2011	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=8626%3Alocalism-act-code-of-conduct-provisions-qcreate-as-many-difficulties-as-they-resolve&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC444	Explanatory Notes to Localism Act 2011	24.11.2011	Parliament	http://www.legislation.gov.uk/ukpga/2011/20/pdfs/ukpgaen_20110020_en.pdf
SC445	Localism Act 2011: Special Report	15.12.2011	LGL	http://www.localgovernmentlawyer.co.uk/images/stories/Localism%20Act%20Special%20Report.pdf
SC446	Independent Persons Under the Localism Act 2011	08.12.2011	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_myblog&show=independent-persons-under-the-localism-act-2011.html&Itemid=111
SC447	Implementation of New Standards Regime Delayed Until 1 st July 2012	23.12.2011	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=8911%3Aimplementation-of-new-standards-regime-delayed-until-1st-july-2012&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27

	Description	Date	Publisher	Internet Links
SC448	Cessation of Standards for England	17.01.2012	SfE	
SC449	Local Government Ombudsman Case Update January to March 2012	14.03.2012	HDC	
SC450	Standards Case Update January to March 2012	14.03.2012	HDC	
SC451	Ombudsman Complaints 2011/12 Reporting Year to 29 February 2012	14.03.2012	HDC	
SC452	Updated Schedule of Local Assessment Sub-Committee Meetings 2011 to 2012	14.03.2012	HDC	
SC453	10 Rules of Thumb for Every Tweeting MP	07.02.2012	Grant Shapps MP	
SC454	Submission to Select Committee on Recall of MPs Draft Bill	02.02.2012	Committee on Standards in Public Life	http://www.public-standards.gov.uk/Library/CSPL_submission_to_PCRC_on_recall_of_MPs.doc
SC455	Legal Topic Note: Members' Conduct and the Registration and Disclosure of Their Interests	01.03.2012	NALC	
SC456	The Standards Board for England (Abolition) Order 2012	02.03.2012	Parliament	http://www.legislation.gov.uk/ukxi/2012/668/made/data.pdf
SC457	Prospect of Compromise in Standards Row	15.03.2012	LGC	
SC458	Illustrative Text for Local Code of Conduct	11.04.2012	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/2128898.pdf
SC459	Template Code of Conduct	12.04.2012	LGA	
SC460	Possible Draft of the Interests Part of the Code of Conduct	14.04.2012	ACSeS	

	Description	Date	Publisher	Internet Links
SC461	Ministers Publish "Illustrative Text" of Local Authority Code of Conduct	13.04.2012	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=10063%3Aministers-publish-qillustrative-textq-of-local-authority-code-of-conduct&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC462	Public Law Partnership Draft Code of Conduct	20.04.2012	PLP	http://www.acses.org.uk/doc/filename/1625/PLP_draft_Code_of_Conduct.pdf
SC463	Updated Draft Code of Conduct for Members and Co-Opted Members	20.04.2012	ACSeS	http://www.acses.org.uk/doc/filename/1624/Version_1A_2_Code_of_Conduct_Amended_Templates_-_DRAFT_.doc
SC464	Model Arrangements for Dealing With Standards Allegations Under the Localism Act 2011	20.04.2012	Bevan Brittan	http://www.acses.org.uk/doc/filename/1426/Model_Arrangements_for_dealing_with_standards_allegations_under_the_Localism_Act_2011.doc
SC465	Model Standards Committee Report on Localism Act	20.04.2012	Bevan Brittan	http://www.acses.org.uk/doc/filename/1425/Model_Standards_Committee_report_on_Localism_Act.doc
SC466	Recruitment Pack for Appointment of Independent Person	18.05.2012	ACSeS	http://www.acses.org.uk/members/doclibrary/docs/28
SC467	Template Code of Conduct for Parish Councils	18.05.2012	NALC	http://www.nalc.gov.uk/

Report to Standards Committee

30 May 2012

By the Monitoring Officer

DECISION REQUIRED

Not exempt



The Localism Act 2011

- **Update on the revised Standards' Regime**
- **Consultation on the revised Code of Members' Conduct**

Executive Summary

The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors. The new provisions are likely to come into force on 1 July 2012. The Order from the Secretary of State is still awaited. The Chairman of the Council at the Council meeting on 21 December 2011 set up a cross party Standards' Liaison Group to work up proposals to enable the Council to comply with the new provisions in the Act which meets monthly.

Following the Standards Report Part 1 on 22 February Council agreed the appointment of one Independent Person and one reserve Independent Person to comply with new statutory provisions.

Following the Standards Report Part 2 on 15 May Council agreed the appointment of a new Standards Committee, arrangements for dealing with Code of Conduct complaints for both district and parish councils, changes to the Constitution, a revised Dispensation Scheme and that the revised Code of Conduct should largely reflect the current code in particular the behavioural aspects contained in paragraphs 3-7.

This report is to:

- i) inform the Committee and all those who may be interested about developments in the revised standards framework following enactment of the Localism Act 2011 which affect the role and activities of Councillors and the Council's business and in particular the work of the Standards Liaison Group; and
- ii) seek views and comments from the Committee as to the detailed content of the new Code of Members' Conduct to be adopted to enable recommendations to be made to Council in June as part of the Standards Report Part 3.

Recommendations

The Committee is recommended:

1. To note the matters set out in the report; and

2. To give views and comments on the draft Codes of Member Conduct available.

Reasons for Recommendations

- i) To ensure Members of the Council and others to whom the report is circulated are kept up to date with developments flowing from the Localism Act 2011 in relation to standards and member conduct; and
- ii) To comply with the statutory obligations placed upon the Council and its Members set out in Chapter 7 of the Localism Act 2011.

Background Papers	Localism Act 2011 DCLG illustrative text LGA template code NALC template code for parish councils
Consultation	CMT Standards Liaison Group
Wards affected	All
Contact	Sandra Herbert Monitoring Officer extn 5482

Background Information

1 Introduction

The purpose of this report

- 1.1 The purpose of this report is to (i) inform Members of the Council and all those who may be interested about developments in the revised standards framework following enactment of the Localism Act 2011 which affect the role and activities of Councillors and the Council's business and the work of the Chairman's Standards Liaison Group; and (ii) seek views and comments on the draft codes of members' conduct available.

Background/Actions taken to date

- 1.2 The present national standards regime came into being in 2000, as part of the Local Government Act 2000. It established a code of conduct, local standards committees and a Standards Board for England. The code of conduct set out expected standards of behaviour for elected and co-opted members. Standards committees were established to assist local authorities in maintaining good standards and the Standards Board for England was established to provide guidance and to monitor and investigate complaints.
- 1.3 Changes in 2007 led to the determination of complaints against members being delegated to the local standards committees for all but the most serious of cases, with the Standards Board for England becoming a strategic regulator.
- 1.4 The Localism Bill, published in late 2010, proposed the abolition of the current national Standards Regime.
- 1.5 Regular reports have been made to the Committee following the journey of the Localism Bill and the twists and turns of various amendments proposed both by the government and by the Lords.
- 1.6 In particular two papers have been presented to the Standards Committee the first entitled "The Localism Bill – Implications for Standards and the Ethical Framework" on 16 March 2011 and the latter on 21 September 2011 looking at "Issues and Options for a revised standards regime post localism at Horsham". Both were reported into Council.
- 1.7 Significant changes were made to the Localism Bill throughout its passage. The Localism Act 2011 finally enacted in November 2011 requires councils to:
- promote and maintain high standards of conduct,
 - adopt a new Code of Members' Conduct,
 - put in place "arrangements" for dealing with misconduct complaints,
 - appoint at least one Independent Person,
 - prepare and maintain a Register of Interests,
 - comply with the introduction of criminal offences in relation to interests, and

- adopt a revised Dispensation Scheme.

- 1.8 An update on the core provisions of the revised standards regime under the Localism Act was included in the Members' Bulletin on 5 December 2011.
- 1.9 At the Council meeting on 21 December 2011 the Chairman of the Council set up a cross party Standards Liaison Group of members to discuss the way forward on standards at Horsham. The group consists of Councillor Claire Vickers, Councillor Liz Kitchen, Councillor David Holmes, Councillor Sheila Matthews and is assisted by the Chief Executive and the Monitoring Officer. The chairman of this committee Eric Blackburn and the parish representative Val Court have also assisted the group. The group has met regularly to consider and work up proposals to enable the Council to comply with the new statutory requirements.
- 1.10 On 22 February 2012 Council considered the Standards Report Part 1 and agreed the appointment of 1 Independent Person and 1 reserve Independent Person with authority to short list interview and make recommendations to Council being delegated to the Chairman's Standards Liaison Group.
- 1.11 On 15 May 2012 Council considered the Standards Report Part 2 and resolved (1) to establish a new Standards Committee of 7 elected members with 2 co-opted parish councillors and 2 co-opted Independent Persons in an advisory capacity only (2) to agree that the new Code of Conduct should largely reflect the current Code in particular paragraphs 3 – 7 (the behavioural aspects of the code) (3) to agree the arrangements for dealing with code of conduct complaints in relation to district and parish councillors (4) to agree to retain the current requirement for members to withdraw from a meeting room during the whole of consideration of any item of business in which they have a disclosable pecuniary interest (5) to agree a revised dispensation scheme (6) to agree changes to the Constitution in particular revised Monitoring Officer Protocol and Scheme of Delegation to Officers and (7) to require the MO to bring forward a report on interests and the Register when the new Regulations are received.
- 1.12 It is anticipated the Standards Report Part 3 will be presented to full Council on 27 June 2012 which will include a recommended form of Code of Members' Conduct for adoption.

2 Statutory and Policy Background

Statutory background

- 2.1 The Localism Act 2011.

Relevant Government policy

- 2.2 There is likely to be extensive Regulations issued pursuant to the Localism Act 2011. In particular Regulations covering the new "Disclosable Pecuniary Interests" are anticipated in the next few weeks. Transitional Arrangements and a Commencement Order in relation to Chapter 7 are also awaited.

Relevant Council policy

- 2.3 The Council's policy is set out in its Constitution and through the activities of Council and the Standards Committee.

3 Details

The Localism Act 2011

- 3.1 The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors. The date for implementation of these changes is likely to be 1 July 2012. The Order of the Secretary of State is awaited.
- 3.2 This report describes the changes and seeks views on the third wave of actions required for the Council to implement the new regime in particular the proposed new Code of Members' Conduct. The Chairman of the Council has established a cross party member group to work up proposals required to implement the new regime. The recommendations of the chairman's Standards Liaison Group formed part of the reports to Council on 22 February 2012 and 15 May 2012.
- 3.3 It is anticipated that the final wave of actions required will be presented to Council on 27 June 2012.

Duty to promote and maintain high standards of conduct.

- 3.3 The authority will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members. Council have delegated this responsibility to the new Standards Committee. In addition, the Leader has portfolio responsibility for standards and probity under the recently revised Scheme of Delegation to Cabinet.

Standards Committee

- 3.4 On 15 May 2012 Council resolved to establish a new Committee from 1 July (or such other date as shall be prescribed for commencement of the Localism Act provisions) to deal with standards issues and case work.
- 3.5 Council resolved as to membership that this consist of one member of the Cabinet, the Chairman of the Council from time to time and five other elected members. Council also agreed that the two Independent Persons and two parish representatives be co-opted to assist the committee in an advisory capacity.
- 3.6 Council resolved as to the committee's role and function that it be responsible for performing the functions set out in Chapter 7 of the Localism Act 2011. In particular, amongst other things, the committee will be responsible for:
- Promoting and maintaining high standards of conduct by councillors and co-opted members;
 - Assisting councillors and co-opted members to observe the Code of Conduct;
 - Providing training on the Code of Conduct;
 - Dealing with allegations that a member or co-opted member has failed to comply with the Code of Conduct;

- Supporting the Monitoring Officer to establish and maintain registers of interests for the council; and
- Exercising functions in connection with code of conduct complaints and registers of interests in relation to parish councillors.

The code of conduct.

- 3.7 The Localism Act provides that the current ten General Principles and Model Code of Conduct will be repealed; and members will no longer have to give an undertaking to comply with the Code of Conduct. The Council will be required, however, under section 27 of the Localism Act to adopt a new Code of Conduct governing elected and co-opted member's conduct when acting in that capacity. The Code will not apply to members in their private life.
- 3.8 Details as to what must be included in the new Code are set out in the Localism Act 2011 section 28. The Act provides that a code adopted by it when viewed as a whole must be consistent with the following principles namely (a) selflessness, (b) integrity, (c) objectivity, (d) accountability, (e) openness, (f) honesty and (g) leadership. In addition the Council must ensure that its code includes the provision the authority considers appropriate in respect of the registration in its register and disclosure of (a) pecuniary interests and (b) interests other than pecuniary interests.
- 3.9 The impending revocation of the current prescribed model code of conduct with mandatory provisions means that relevant authorities (including parish councils) will be free to adopt a code of conduct that it wants subject to satisfying the requirements of section 28 of the Localism Act.
- 3.10 On 15 May Council gave its preliminary views on any new code of conduct. It resolved (a) that the new Code of Conduct should largely reflect the current Code in particular paragraphs 3 – 7 (the behavioural aspects of the current code) (b) to require registration of interests which would, as today, constitute personal and prejudicial interests and (c) to retain the current requirement for members to withdraw from a meeting room during the whole of consideration of any item of business in which they have a disclosable pecuniary interest.
- 3.11 The Council must now decide on the final form and content of its Code of Conduct for Members. Similarly parish councils must also decide on the form and content of their Code of Conduct for parish councillors. The Localism Act 2011 section 27(3) provides that a Parish Council may comply with the statutory obligation to adopt a code by adopting the Code adopted by the District Council.
- 3.12 To assist Members a brief history of the code of conduct together with a copy of the 1975 code, the 1990 national code and the Local Government Act 2000 model code is attached as Appendix A.
- 3.13 Attached as Appendix B is a copy of the Council's current Code of Members' Conduct adopted under the Local Government Act 2000. The Code is essentially in three parts: behavioural aspects, interests and general principles.
- 3.14 On 10 April the LGA circulated to Leaders and Chief Executives a template code and guidance note on conduct. A copy is attached as Appendix C. This has been provided 'to assist authorities in thinking about how their new code of conduct

should look and it remains the LGA's view that it is for each council's locally elected members to decide what the right code will look like in its area.' Members will see that this document contains two parts of a principles based, outcomes focussed code of conduct. Page 1 provides the principles and page 2 provides the outcomes the principles seek to achieve. Absent are the 'indicative behaviours' that are required to produce the outcomes. Members will need to consider the subjective nature of the document and whether or not they would prefer the more traditional code with more precise do's and don'ts.

- 3.15 On 11 April the DCLG made available an illustrative text for a code of conduct for members and co-opted members of local authorities. This text provides an example of what a local authority's code of conduct for the new standards arrangements might look like. A copy is attached as Appendix D.
- 3.16 Attached as Appendix E is an article from the Local Government Lawyer containing a comparison of the DCLG and the LGA Codes with the current model Code.
- 3.17 East and West Sussex authorities have been working together to create a county wide template code. A copy of the current version of the county wide code is attached as Appendix F.
- 3.18 West Sussex County Council are proposing to adopt the county wide model but in a slightly simplified format. WSCC is taking its proposed code of conduct and constitutional arrangements to full council on 18 May. The Governance Committee at WSCC met on 23 April to consider both the DCLG and LGA code formats. Neither was recommended as both were considered to leave far too vague what members, officers and the public need to know what they can or can't do or complain about. They felt they only served to rephrase the aspirational aims of the General Principles. The Code recommended by the Governance Committee to full Council for approval is attached as Appendix G. Members will see the proposed WSCC Code follows the same format as our current Code but in a slightly simplified format. As currently drafted it contains the old rules on interests but the expectation is that this too will be simplified once the regulations are received from DCLG.
- 3.19 On 17 May the National Association of Local Councils produced a template code of conduct for parish councils 'where parish councils may not want to draft their own or adopt their principal authority's code of conduct'. The NALC does not recommend that parish councils adopt the LGA's template code of conduct. A copy of the NALC suggested template code of conduct for parish councils is attached as Appendix H.
- 3.20 It remains a matter for local authorities to decide on their own code under the Localism Act 2011.
- 3.21 Members views are sought on the relevant options available.

Dealing with Misconduct Complaints

- 3.22 On 15 May 2012 Council resolved to adopt 'arrangements' for dealing with complaints of breach of the Code of Conduct both by the District Council and by Parish Council members.

Independent Person(s)

- 3.23 The 'arrangements' adopted by the Council must include provisions for the appointment by Council of at least one Independent Person. The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the District Council (not just those present and voting).
- 3.24 On 22 February 2012 Council resolved that 1 Independent Person and 1 reserve Independent Person should be appointed and delegated to the Chairman's Standards Liaison group authority to short list interview and make recommendations to Council as to formal appointment of such persons.
- 3.25 Details as to eligibility to be an "Independent Person" currently contained in the Localism Act render current Independent Members ineligible to apply for the new positions of Independent Person. However, it is anticipated that transitional arrangements to be issued by the government shortly will allow current members to make application and be appointed during a window of 12 months from commencement of the new regime.
- 3.26 On 16 May the Standards Liaison Group met to short list candidates. Subject to the receipt of outstanding regulations from the government regarding the eligibility of current Independent Members to apply for the new position of Independent Person, interviews are scheduled to take place on 28 May 2012. An oral update will be provided for members. Formal recommendations to Council will be made on 27 June 2012.

The Register of Members' Interests

- 3.27 The Localism Act will abolish the concepts of personal and prejudicial interests. Instead, regulations will define a new interest called "Disclosable Pecuniary Interests" (DPIs). The Monitoring Officer is required to maintain a register of interests, which must be available for inspection and available on the Council's website. The Monitoring Officer is also responsible for maintaining the register for Parish Councils, which also have to be open for inspection at the District Council offices and on the District Council website.
- 3.28 At present we do not know what DPIs will comprise, but they are likely to be broadly equivalent to the current prejudicial interests. Regulations are awaited to define the new category of DPI created by the Localism Act.
- 3.29 Revisions to the Register of Interests will be presented to Council 27 June 2012.

Disclosure of Interests and Withdrawal from Meetings

- 3.30 As set out above DPIs are likely to be broadly equivalent to prejudicial interests, but with important differences.
- 3.31 The duty to disclose arises whenever a member is present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee, has a DPI in any matter to be considered at the meeting and is aware they have an interest

3.32 If a member has a DPI in any matter he/she *must not*:

- Participate in any discussion of the matter at the meeting. The Act does not define “discussion” but this would appear to preclude making representations as currently permitted under paragraph 12(2) of the model Code of Conduct; or
- Participate in any vote on the matter

unless he/she has obtained a dispensation allowing him/her to speak and/or vote.

3.33 Failure to comply with the above requirements becomes a criminal offence.

3.34 There is no requirement to withdraw from the meeting room under the new provisions in the Act. However, the Act provides that this can be covered by Standing Orders.

3.35 On 15 May Council resolved to continue with the current arrangements requiring a Member with a prejudicial interest to withdraw from the meeting and apply similar requirements upon members with a DPI.

Dispensations

3.36 The provisions on dispensations are significantly changed by the Localism Act.

3.37 On 15 May Council resolved to adopt a revised dispensation Scheme. Authority to grant dispensations was also delegated to the Monitoring Officer. At the discretion of the Monitoring Officer applications for dispensation can also be referred to the Standards Committee for consideration where necessary.

4 Next Steps

4.1 Full Council has already resolved how it proposes to deal with the standards regime required by the Localism Act in relation to the first two phases of actions required.

4.2 This report seeks to provide up to date information and to seek views on the decisions which the Council is required to take in relation to the Code of Members Conduct to enable the Chairman’s Standards Liaison Group to make formal recommendations to Council in June 2012 as to the third and final stage of actions required.

5 Outcome of Consultations

5.1 Corporate Management Team have been consulted on this report.

5.2 Informal consultation has taken place with county, district and borough councils. They have indicated that arrangements for standards provision within their authorities are likely to remain broadly the same as at present which should retain consistency across the county.

5.3 The Chairman’s Standards Liaison Group met on 28 May 2012. An oral update will be provided for Members at Committee.

6 Other Courses of Action Considered but Rejected

- 6.1 Under the Localism Act the Council is under a duty to promote and maintain high standards of conduct amongst its members, approve a new code of conduct, put in place 'arrangements' to deal with standards complaints, appoint an Independent Person(s), put in place provisions regarding interests and approve a Dispensation Scheme.
- 6.2 To do otherwise would be a breach of the Council's obligations under the Localism Act and leave the Council vulnerable to legal challenge.

7 Staffing Consequences

- 7.1 Significant staff time is being spent and will continue to be required in order to re-establish a standards regime following repeal of the current provisions under the Localism Act. Staff are endeavouring to carry out this work within existing staffing structures.

8 Financial Consequences

- 8.1 The reduction of Independent Members from four to two and Parish Representatives from four to two creates a saving of £2,390 and £1,870 respectively.

9 Other Consequences of the Proposed Action

- 9.1 Other consequences of the proposed action are set out in Appendix 1.

APPENDIX A - History of the Code of Conduct for Members
APPENDIX B - Current Code of Members' Conduct
APPENDIX C - LGA template Code
APPENDIX D - DCLG illustrative text
APPENDIX E - Article comparing the LGA and DCLG codes
APPENDIX F - East and West Sussex model code
APPENDIX G – West Sussex County Council code
APPENDIX H – NALC template code of conduct for parish councils

Appendix 1

Consequences of the Proposed Action

<p>What are the risks associated with the proposal?</p> <p>Risk Assessment attached No</p>	<p>Failure to adopt a code of conduct for district councillors would be a breach of the requirements within the Localism Act 2011.</p> <p>Failure to recruit and appoint at least one Independent Person would be a breach of section 28 of the Localism Act 2011.</p> <p>Reducing the current scope of the Code of Conduct or removing a dedicated committee may create a risk to the District Council that the standards of councillor behaviour could not be clearly defined and could therefore be harder to hold to account, which could lead to reputational damage to the District Council.</p>
<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>Creating the right climate for decision making and ensuring adequate probity measures are in place will ensure that the Council's duty to seek to reduce crime and disorder is properly taken into account.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>There is a positive obligation on the Council under the Human Rights Act 1998 to have regard for human rights. The convention rights are scheduled in the Act. The creation of the right climate for decision making and adequate probity measures will ensure that human rights are regarded and in some cases enhanced.</p> <p>Recruiting an Independent Person(s) and retaining an enforceable code of conduct should support the Council's obligation to avoid interference with the human rights of any individual.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p> <p>Equalities Impact Assessment attached Yes/No/Not relevant</p>	<p>The Code of Conduct sets out clear standards of behaviour for members and includes the expectation of respect for others defined in the prescribed General Principles as:</p> <p>"Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability".</p> <p>Putting in place Independent Person(s) will enable the Council to maintain an enforceable Code of Conduct which should (subject to approval of a new Code of Conduct) therefore continue to have a positive obligation upon members to eliminate unlawful discrimination.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>Where possible electronic means of communication will be used as part of the advertisement and recruitment process.</p>

History of the Code of Members' Conduct

Following the Poulson and T Dan Smith corruption scandals in the early 1970s the Prime Minister's Committee on Local Government Rules of Conduct (the Redcliffe-Maud Committee) recommended a code of conduct.

"We propose the establishment of a new code of conduct for all councillors in the form of a short simple authoritative statement of principles and their application." (1974).

This emerged as a code agreed between the local authority associations and central government in 1975 in Department of the Environment Circular 94/75.

See: http://books.google.co.uk/books?id=vU87AAAAIAAJ&pg=PA172&lpg=PA172&dq=national+code+of+local+government+conduct+1975&source=bl&ots=2nioC2-dJ9&sig=Xa1X7i_Qh2uHkMPabnhV8eYJGm&hl=en&sa=X&ei=7zNWT_abAqGk0QXH77zkCQ&sqj=2&ved=0CDsQ6AEwAw#v=onepage&q=national%20code%20of%20local%20government%20conduct%201975&f=false

The national code then received statutory status in the Local Government and Housing Act 1989. The National Code of Local Government Conduct emerged shortly afterwards. It is reproduced in the Third report of the Committee on Standards in Public Life (July 1997)

See page 84: http://www.public-standards.org.uk/OurWork/3rd_report.html

The National Code was, however, in the Nolan third Report, criticised for lack of clarity and practical detail. The Nolan Committee recommended the abolition of surcharge, new rules on registration and declaration of interests and a model code be produced to replace the National Code "which is widely felt to be confusing and unhelpful". Parliament responded and the result was the ten national principles and the statutory code issued under the Local Government Act 2000.

See: <http://www.legislation.gov.uk/ukxi/2007/1159/article/2/made>

There was an acknowledged need for clear principles and the practical way their principles were to be applied to day to day circumstances. The Nolan Principles now provide the former. Local authorities are now left to themselves to provide the latter.

In considering the contents of the Council's proposed 2012 Code the authority should logically refer to the three previous codes, the 1975 code, the 1990 national code and the Local Government Act 2000 Code as a checklist of what to include.

Consideration should also be given to the statutory duty in the Localism Act to promote and maintain high standards of conduct and whether the adoption of standards less high than at present will be in compliance with the new statutory duty.

33 A NATIONAL CODE OF LOCAL GOVERNMENT CONDUCT

From *Conduct in Local Government* (Department of Environment Circular 94/75, 1975); by permission of HMSO. This is the text of the national code of local government conduct agreed between the local authority associations and central government on the basis of a draft recommended by the Prime Minister's Committee in 1974.

NATIONAL CODE OF LOCAL GOVERNMENT CONDUCT

This code is a guide for all councillors elected or co-opted to local authorities in England, Wales and Scotland. It supplements both the law enacted by Parliament and the Standing Orders made by individual councils. It has been agreed by the Associations representing local authorities in all three countries and by the Government.

CONTENTS

1. Law, Standing Orders and National Code
2. Public duty and private interest
3. Disclosure of pecuniary and other interests
4. Membership and chairmanship of council committees and sub-committees
5. Councillors and officers
6. Use of confidential and private information
7. Gifts and hospitality
8. Expenses and allowances
9. Use of council facilities

173 *A national code of local government conduct*

1. **Law, Standing Orders and National Code**

Make sure that you fully understand the rules of conduct which the law, Standing Orders and the national code require you to follow. It is your personal responsibility to apply their requirements on every relevant occasion. Seek any advice about them that you need from your council's appropriate senior officer or from your own legal adviser.

2. **Public duty and Private Interest**

- (i) Your overriding duty as a councillor is to the whole local community.
- (ii) You have a special duty to your own constituents, including those who did not vote for you.
- (iii) Whenever you have a private or personal interest in any question which councillors have to decide, you must not do anything to let that interest influence the decision.
- (iv) Do nothing as a councillor which you could not justify to the public.

- (v) The reputation of your council, and of your party if you belong to one, depends on your conduct and what the public believes about your conduct.
- (vi) It is not enough to avoid actual impropriety; you should at all times avoid any occasion for suspicion or the appearance of improper conduct.

3. Disclosure of Pecuniary and Other Interests

- (i) The law makes specific provision requiring you to disclose pecuniary interests, direct and indirect. But interests which are not pecuniary can be just as important. Kinship, friendship, membership of an association, society, or trade union, trusteeship and many other kinds of relationship can sometimes influence your judgement and give the impression that you might be acting for personal motives. A good test is to ask yourself whether others would think that the interest is of a kind to make this possible. If you think they would, or if you are in doubt, disclose the interest and withdraw from the meeting unless under Standing Orders you are specifically invited to stay.
- (ii) The principles about disclosure of interest should be borne in mind in your unofficial relations with other councillors - at party group meetings of the Council, its committees and sub-committees.

4. Membership and Chairmanship of Council Committees and Sub-Committees

- (i) You, or some firm or body with which you are personally connected, may have professional business or personal interests within the area for which the Council is responsible; such interests may be substantial and closely related to the work of one or more of the council's committees or sub-committees, concerned with (say) planning or developing land, council housing, personnel matters or the letting of contracts for supplies, services or works. Before seeking or accepting membership of any such committee or sub-committee, you should seriously consider whether your membership would involve you (a) in disclosing an interest so often that you could be of little value to the committee or sub-committee, or (b) in weakening public confidence in the impartiality of the committee or sub-committee.
- (ii) You should not seek or accept the chairmanship of a committee or sub-committee whose business is closely related to a substantial interest or range of interests of yourself or of any body with which you are associated.

5. Councillors and Officers

- (i) Both councillors and officers are servants of the public, and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council and are permanently appointed. An officer's job is to give advice to councillors

and the council, and to carry out the council's work under the direction and control of the council and its committees.

- (ii) Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillor and officer can damage this relationship and prove embarrassing to other councillors and officers.
- (iii) If you are called upon to take part in appointing an officer, the only question you should consider is which candidate would best serve the whole council. You should not let your personal or political preferences influence your judgment. You should not canvass the support of colleagues for any candidate and you should resist any attempt by others to canvass yours.

6. Use of Confidential and Private Information

As a councillor you necessarily acquire much information that has not yet been made public and is still confidential. It is a grave betrayal of trust to use confidential information for the personal advantage of yourself or of anyone known to you.

7. Gifts and Hospitality

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing or seeing to do business with the council, or may be applying to the council for planning permission or some other kind of decision. Working lunches and other social occasions arranged or authorised by the council or by one of its committees or sub-committees may be a proper way of doing business, provided that no extravagance is involved. Nor can there be any hard and fast rule about acceptance or refusal of tokens of goodwill on special occasions. But you are personally responsible for all such decisions and for avoiding the risk of damage to public confidence in local government. The receipt or offer of gifts should be reported to the chief executive.

8. Expenses and Allowances.

There are rules entitling you to claim expenses and allowances in connection with your duties as a councillor. These rules should be scrupulously observed.

9. Use of Council facilities.

Make sure that any facilities – such as transport, stationery or secretarial services – provided by the council for your use in your duties as a councillor are used strictly for those duties and for no other purpose.

Appendix 1

The National Code of Local Government Conduct

Introduction

The National Code of Local Government Conduct provides, by way of guidance to members of local authorities, recommended standards of conduct in carrying out their duties, and in their relationships with the council and the council's officers.

The Code is issued jointly by the Secretary of State for the Environment, the Secretary of State for Scotland and the Secretary of State for Wales, under the provisions of the Local Government and Housing Act 1989. The Code has been agreed by associations representing local authorities in all three countries, and approved by both Houses of Parliament.

The Code applies to all members of

- in England, county councils, district councils, London borough councils, the Common Council of the City of London, the Council of the Isles of Scilly and parish and town councils;
- in Scotland, regional councils, islands councils, district councils, and joint boards and committees;
- in Wales, county councils, district councils and community and town councils.

All councillors are required on accepting office to declare that they will be guided by the Code.

The Code also applies to all members of committees, joint committees, and sub-committees of these authorities, whether or not they are councillors, and whether or not they are voting members of those bodies.

The Code represents the standard against which the conduct of members will be judged, both by the public, and by their fellow councillors. The local ombudsmen may also regard a breach of the Code as incompatible with good administration, and may make a finding of maladministration by the council in these circumstances.

The Code

The Law and standing orders

1. Councillors hold office by virtue of the law, and must at all times act within the law. You should make sure that you are familiar with the rules of personal conduct which the law and standing orders require, and the guidance contained in this Code. It is your responsibility to make sure that what you do complies with these requirements and this guidance. You should regularly review your personal circumstances with this in mind, particularly when your circumstances change. You should not at any time advocate or encourage anything to the contrary. If in any doubt, seek advice from your council's appropriate senior officer or from your own legal adviser. In the end however, the decision and the responsibility are yours.

Public duty and private interest

2. Your over-riding duty as a councillor is to the whole local community.
3. You have a special duty to your constituents, including those who did not vote for you.

4. Whilst you may be strongly influenced by the views of others, and of your party in particular, it is your responsibility alone to decide what view to take on any question which councillors have to decide.
5. If you have a private or personal interest in a question which councillors have to decide, you should never take any part in the decision, except in the special circumstances described below. Where such circumstances do permit you to participate, you should never let your interest influence the decision.
6. You should never do anything as a councillor which you could not justify to the public. Your conduct, and what the public believes about your conduct, will affect the reputation of your council, and of your party if you belong to one.
7. It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct.

Disclosure of pecuniary and other interests

8. The law makes specific provision requiring you to disclose both direct and indirect pecuniary interests (including those of a spouse with whom you are living) which you may have in any matter coming before the council, a committee or a sub-committee. It prohibits you from speaking or voting on that matter. Your council's standing orders may also require you to withdraw from the meeting while the matter is discussed. You must also by law declare certain pecuniary interests in the statutory register kept for this purpose. These requirements must be scrupulously observed at all times.
9. Interests which are not pecuniary can be just as important. You should not allow the impression to be created that you are, or may be, using your position to promote a private or personal interest, rather than forwarding the general public interest. Private and personal interests include those of your family and friends, as well as those arising through membership of, or association with, clubs, societies and other organisations such as the Freemasons, trade unions and voluntary bodies.
10. If you have a private or personal non-pecuniary interest in a matter arising at a local authority meeting, you should always disclose it, unless it is insignificant, or one which you share with other members of the public generally as a ratepayer, a community chargepayer or an inhabitant of the area.
11. Where you have declared such a private or personal interest, you should decide whether it is clear and substantial. If it is not, then you may continue to take part in the discussion of the matter and may vote on it. If, however, it is a clear and substantial interest, then (except in the special circumstances described below) you should never take any further part in the proceedings, and should always withdraw from the meeting whilst the matter is being considered. In deciding whether such an interest is clear and substantial, you should ask yourself whether members of the public, knowing the facts of the situation, would reasonably think that you might be influenced by it. If you think so, you should regard the interest as clear and substantial.
12. In the following circumstances, but only in these circumstances, it can still be appropriate to speak, and in some cases to vote, in spite of the fact that you have declared such a clear and substantial private or personal interest:
 - (a) if your interest arises in your capacity as a member of a public body, you may speak and vote on matters concerning that body; for this purpose, a public body is one where, under the law governing declarations of pecuniary interests, membership of the body would not constitute an indirect pecuniary interest;
 - (b) if your interest arises from being appointed by your local authority as their representative on the managing committee, or other governing body, of a charity, voluntary body or other organisation formed for a public purpose (and not for the personal benefit of the members), you may speak and vote on matters concerning that organisation;
 - (c) if your interest arises from being a member of the managing committee, or other governing body of such an organisation, but you were not appointed by your local authority as their representative, then you may speak on matters in which that organisation has an interest; you should not vote on any matter directly affecting the finances or property of that organisation, but you may vote on other matters in which the organisation has an interest;

(d) if your interest arises from being an ordinary member or supporter of such an organisation (and you are not a member of its managing committee or other governing body), then you may speak and vote on any matter in which the organisation has an interest.

Dispensations

13. Circumstances may arise where the work of your authority is affected because a number of councillors have personal interests (pecuniary or non-pecuniary) in some question.

14. In certain circumstances, you may be able to get a dispensation to speak, and also to vote, in spite of a pecuniary interest. Such dispensations are given under statute by the Secretary of State in the case of county, regional, islands, district and London borough councils, and (in England and Wales) by the district council in the case of town, parish and community councils.

15. In the case of non-pecuniary interests, there may be similar exceptions to the guidance contained in paragraphs 9 to 12 of this Code. In the circumstances below it may be open to you to decide that the work of the council requires you to continue to take part in a meeting which is discussing a matter in which you have a clear substantial private or personal interest.

16. Before doing so, you should

- (a) take advice from the chairman of your local authority (if this is practicable) and from the appropriate senior officer of the authority as to whether the situation justifies such a step;
- (b) consider whether the public would regard your interest as so closely connected with the matter in question that you could not be expected to put your interest out of your mind (for example, the matter might concern a decision by the council affecting a close relative); if you think that they would, you should never decide to take part in a discussion of, or a vote on, the matter in question; and
- (c) consider any guidance which your council has issued on this matter.

17. The circumstances in which (after such consultation and consideration) you may decide to speak and vote on a matter in which you have a clear and substantial private or personal non-pecuniary interest are if, *but only if*:

- at least half the council or committee would otherwise be required to withdraw from consideration of the business because they have a personal interest; or
- your withdrawal, together with that of any other members of the council or committee who may also be required to withdraw from consideration of the business because of a personal interest, would upset the elected party balance of the council or committee to such an extent that the decision is likely to be affected.

18. If you decide that you should speak or vote, notwithstanding a clear and substantial personal or private non-pecuniary interest, you should say at the meeting, before the matter is considered, that you have taken such a decision, and why.

19. The guidance set out in paragraphs 15–18 above also applies to sub-committees. However if the sub-committee is very small, or if a large proportion of members declare a personal interest, it will usually be more appropriate for the matter to be referred to the parent committee.

Disclosure in other dealings

20. You should always apply the principles about the disclosure of interests to your dealings with council officers, and to your unofficial relations with other councillors (at party group meetings, or other informal occasions) no less scrupulously than at formal meetings of the council, committees and sub-committees.

Membership of committees and sub-committees

21. You, or some firm or body with which you are personally connected, may have professional, business or other personal interests within the area for which the council are responsible. Such interests may be substantial and closely related to the work of one or more of the council's committees or sub-committees. For example, the firm or body may be concerned with planning, developing land, council housing, personnel matters or the letting of contracts for supplies, services or works. You should not seek, or accept, membership of any such committee or sub-committee if that would involve you in disclosing an interest so often that you could be of little value to the committee or sub-committee, or if it would be likely to weaken public confidence in the duty of the committee or sub-committee to work solely in the general public interest.

Leadership and Chairmanship

22. You should not seek, or accept, the leadership of the council if you, or any body with which you are associated, has a substantial financial interest in, or is closely related to, the business or affairs of the council. Likewise, you should not accept the chairmanship of a committee or sub-committee if you have a similar interest in the business of the committee or sub-committee.

Councillors and officers

23. Both councillors and officers are servants of the public, and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to councillors and the council, and to carry out the council's work under the direction and control of the council, their committees and sub-committees.

24. Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers.

25. The law and standing orders lay down rules for the appointment, discipline and dismissal of staff. You must ensure that you observe these scrupulously at all times. Special rules apply to the appointment of assistants to political groups. In all other circumstances, if you are called upon to take part in appointing an officer, the only question you should consider is which candidate would best serve the whole council. You should not let your political or personal preferences influence your judgement. You should not canvass the support of colleagues for any candidate and you should resist any attempt by others to canvass yours.

Use of confidential and private information

26. As a councillor or a committee or sub-committee member, you necessarily acquire much information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or the discredit of the council or anyone else.

Gifts and hospitality

27. You should treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing, or seeking to do, business with the council, or may be applying to the council for planning permission or some other kind of decision.

28. There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided that they are approved by the local authority and that no extravagance is involved. Likewise, it may be reasonable for a member to represent the council at a social function or event organised by outside persons or bodies.

29. You are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in local government. The offer or receipt of gifts or invitations should always be reported to the appropriate senior officer of the council.

Expenses and allowances

30. There are rules enabling you to claim expenses and allowances in connection with your duties as a councillor or a committee or sub-committee member. These rules must be scrupulously observed.

Dealings with the council

31. You may have dealings with the council on a personal level, for instance as a ratepayer or community chargepayer, as a tenant, or as an applicant for a grant or a planning permission. You should never seek or accept preferential treatment in those dealings because of your position as a councillor or a committee or sub-committee member. You should also avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment: for instance, by being in substantial arrears to the council, or by using your position to discuss a planning application personally with officers when other members of the public would not have the opportunity to do so. Likewise, you should never use your position as a councillor or a committee or sub-committee member to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

Use of council facilities

32. You should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the council for your use in your duties as a councillor or a committee or sub-committee member are used strictly for those duties and for no other purpose.

Appointments to other bodies

33. You may be appointed or nominated by your council as a member of another body or organisation — for instance, to a joint authority or a voluntary organisation. You should always observe this Code in carrying out your duties on that body in the same way you would with your own authority.

2007 No. 1159

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Model Code of Conduct) Order 2007

<i>Made</i>	- - - -	<i>2nd April 2007</i>
<i>Laid before Parliament</i>		<i>4th April 2007</i>
<i>Coming into force</i>	- -	<i>3rd May 2007</i>

The Secretary of State for Communities and Local Government makes the following Order in exercise of the powers conferred by sections 50(1) and (4), 81(2) and (3), and 105(2), (3) and (4) of the Local Government Act 2000^(a).

The Secretary of State has consulted in accordance with section 50(5) of that Act.

The Secretary of State is satisfied that this Order is consistent with the principles for the time being specified in an order under section 49(1) of that Act^(b).

Citation, commencement and application

1.—(1) This Order may be cited as the Local Authorities (Model Code of Conduct) Order 2007 and comes into force on 3rd May 2007.

(2) This Order applies—

- (a) in relation to police authorities in England and Wales; and
- (b) in relation to the following authorities in England—
 - (i) a county council;
 - (ii) a district council;
 - (iii) a London borough council;
 - (iv) a parish council;
 - (v) the Greater London Authority;
 - (vi) the Metropolitan Police Authority;
 - (vii) the London Fire and Emergency Planning Authority;
 - (viii) the Common Council of the City of London;
 - (ix) the Council of the Isles of Scilly;
 - (x) a fire and rescue authority;
 - (xi) a joint authority;
 - (xii) the Broads Authority; and

^(a) 2000 c.22.

^(b) See the Relevant Authorities (General Principles) Order 20001 (S.I. 2001/1401).

(xiii) a National Park authority,
and in this Order references to “authority” are construed accordingly.

Model Code of Conduct

2.—(1) The code set out in the Schedule to this Order (“the Code”) has effect as the model code issued by the Secretary of State under section 50 of the Local Government Act 2000 as regards the conduct which is expected of members and co-opted members of an authority.

(2) Subject to paragraphs (3) to (6), every provision of the Code in the Schedule to this Order is mandatory for an authority.

(3) Paragraph 6(c) of the Code is not mandatory for police authorities, the Greater London Authority, the Metropolitan Police Authority, the London Fire and Emergency Planning Authority, fire and rescue authorities and joint authorities.

(4) Paragraph 7 of the Code is not mandatory for parish councils.

(5) Subject to sub-paragraph (6)(c) and (d) below, paragraphs 10(2)(c)(i) and (ii), 11 and 12(2) of the Code are mandatory only for county councils, district councils and London borough councils, the Common Council of the City of London and the Council of the Isles of Scilly.

(6) The following provisions of the Code are mandatory only for an authority which is operating executive arrangements—

- (a) in paragraph 1(4), in the definition of “meeting”—
 - (i) sub-paragraph (b);
 - (ii) in sub-paragraph (c), the words “or its executive’s” and “, or area committees”;
- (b) paragraphs 9(6), 9(7) and 12(1)(b);
- (c) in paragraph 11(a), the words “your authority’s executive or”
- (d) in paragraph 11(b), the word “executive,”; and
- (e) in paragraph 12(2), the words in brackets.

Disapplication of certain statutory provisions

3. The following provisions shall not apply (where they are capable of doing so) to an authority which has adopted a code of conduct or to which such a code applies—

- (a) sections 94 to 98 and 105 to the Local Government Act 1972(a);
- (b) section 30(3A) of the Local Government Act 1974(b);
- (c) regulations made or a code issued under section 19 and 31 of the Local Government and Housing Act 1989(c);
- (d) paragraphs 9 and 10 of Schedule 7 to the Environment Act 1995(d); and
- (e) any guidance issued under section 66 of the Greater London Authority Act 1999(e).

Revocation and savings

4.—(1) Subject to paragraphs (2) and (3), the following orders are revoked—

- (a) the Local Authorities (Model Code of Conduct) (England) Order 2001(f);
- (b) the Parish Councils (Model Code of Conduct) Order 2001(g);

(a) 1972 c.70.

(b) 1974 c.7. Section 30(3A) was inserted by section 32(1) of the Local Government and Housing Act 1989 (c. 42), with effect from 1st April 1990.

(c) 1989 c.42.

(d) 1995 c.25.

(e) 1999 c.29.

(f) S.I. 2001/3575.

(g) S.I. 2001/3576.

- (c) the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001(a); and
 - (d) the Police Authorities (Model Code of Conduct) Order 2001(b).
- (2) The Orders referred to in paragraph (1) continue to have effect for the purposes of and for purposes connected with —
- (a) the investigation of any written allegation under Part 3 of the Local Government Act 2000, where that allegation relates to conduct which took place before the date when, pursuant to section 51 of that Act—
 - (i) the authority adopts a code of conduct incorporating the mandatory provisions of the Code in the Schedule to this Order in place of their existing code of conduct;
 - (ii) the authority revises their existing code of conduct to incorporate the mandatory provisions of the Code in the Schedule to this Order; or
 - (iii) the mandatory provisions of the Code in the Schedule to this Order apply to members or co-opted members of the authority under section 51(5)(b) of that Act;
 - (b) the adjudication of a matter raised in such an allegation; and
 - (c) an appeal against the decision of an interim case tribunal or case tribunal in relation to such an allegation.
- (3) Any order made under section 83 of the Local Government Act 1972(c) shall have effect for the purpose of prescribing the form of a declaration of acceptance of office in relation to a county council, district council, London borough council and a parish council.

Signed on behalf of the Secretary of State for Communities and Local Government

Phil Woolas
Minister of State

2nd April 2007

Department for Communities and Local Government

(a) S.I. 2001/3577.

(b) S.I. 2001/3578.

(c) Orders made under section 83 of the Local Government Act 1972 were disappplied, by the Orders mentioned in article 4(1)(a) and (b) of this Order, and are here being revived.

SCHEDULE

THE MODEL CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

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

Scope

- 2.—(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,
- and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority—

(a) See the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401).

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3.—(1) You must treat others with respect.

(2) You must not—

- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a));
- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority—

(a) 2006 c.3.

- (i) act in accordance with your authority's reasonable requirements;
- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986^(a).

7.—(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8.—(1) You have a personal interest in any business of your authority where either—

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

^(a) 1986 c.10.

- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
 - (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(a).

(a) See the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations (S.I 2000/3272).

Prejudicial interest generally

10.—(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12.—(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from your authority's standards committee;
- (b) you must not exercise executive functions in relation to that business; and
- (c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations,

answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13.—(1) Subject to paragraph 14, you must, within 28 days of—

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order contains a model code of conduct as regards the conduct which is expected of members and co-opted members of relevant authorities in England and police authorities in England and Wales. The Secretary of State has power to issue such a code under section 50 of the Local Government Act 2000. Under section 51 of that Act, each authority must adopt a code of conduct applying to its members and co-opted members which must incorporate any mandatory provisions of the Code. Under section 51(5), where an authority does not adopt such a code within six months of the Order coming into force, the mandatory provisions of the Code will apply to the members of the authority until it adopts its own code.

Article 1 provides that this Order applies to specified authorities in England and police authorities in England and Wales.

Article 2 provides that a model code is set out in the Schedule to the Order, and states which of its provisions are mandatory.

Article 3 disapplies the statutory provisions relating to the National Code of Local Government Conduct and members' interests.

Article 4 revokes—

the Local Authorities (Model Code of Conduct) (England) Order 2001(a);

the Parish Councils (Model Code of Conduct) Order 2001(b);

the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001(c);
and

the Police Authorities (Model Code of Conduct) Order 2001(d).

These Orders continue to have effect in relation to misconduct committed before the date when the new code is adopted or applied to an authority.

Article 4(3) provides that orders made under section 83 of the Local Government Act 1972 shall have effect for the purpose of prescribing the form of a declaration of acceptance of office.

In the Schedule to the Order—

Paragraph 1 of the Code provides that the Code applies to any member of an authority and that it is the responsibility of each member to comply with the Code.

Paragraph 2 of the Code provides that the Code applies whenever a member is acting in his or her official capacity, and in relation to conduct in a member's private capacity the code only applies where such conduct has resulted in a criminal conviction. Additionally, where a member is acting as a representative of his or her authority, he or she must continue to observe the authority's code, unless he or she is subject to another relevant authority's code, or unless (in relation to any other body) it conflicts with any other legal obligations.

Paragraph 3 of the Code provides that members must treat others with respect and not do anything which may cause their authority to breach equality legislation, or which compromises the impartiality of those who work for the authority or bully anyone or intimate persons involved in code of conduct cases.

(a) S.I. 2001/3575.

(b) S.I. 2001/3576.

(c) S.I. 2001/3577.

(d) S.I. 2001/3578.

Paragraph 4 of the Code provides that members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

Paragraph 5 of the Code provides that a member must not conduct himself or herself in a manner which could bring his or her authority into disrepute.

Paragraph 6 of the Code provides that a member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority's resources, he or she must act in accordance with the authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

Paragraph 7 of the Code provides that a member must have regard to advice given by the chief finance officer and monitoring officer and must give reasons for decisions made.

Paragraph 8 of the Code provides a list of matters which constitute a personal interest.

Paragraph 9 of the Code provides that generally a member with a personal interest in any business of his or her authority must disclose that interest at any meeting at which the business is considered.

Paragraph 10 of the Code provides that generally a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his or her judgement of the public interest. The paragraph provides that in specified circumstances a member may regard himself as not having a prejudicial interest.

Paragraph 11 of the Code provides that a member who was involved in making a decision or taking action on a matter must not be involved in the overview and scrutiny committee's consideration of that decision or action.

Paragraph 12 of the Code provides that a member with a prejudicial interest must, unless, for example, he or she is making representations and members of the public are also allowed to make representations on that matter, or he or she has obtained a dispensation, withdraw from any meetings at which the business is being considered, and must not improperly influence decisions in relation to the business.

Paragraph 13 of the Code provides that a member must notify the monitoring officer of his or her personal interests and any change to those interests must also be notified.

Paragraph 14 of the Code provides that a member may notify the monitoring officer of any sensitive information the availability of which to the public creates, or is likely to create, a serious risk that the member or a person who lives with him or her may be subjected to violence or intimidation.

STATUTORY INSTRUMENTS

2007 No. 1159

LOCAL GOVERNMENT, ENGLAND AND WALES

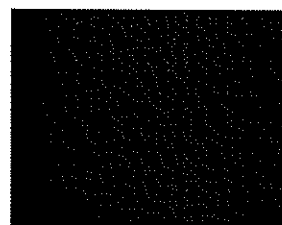
The Local Authorities (Model Code of Conduct) Order 2007

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Part 5A MEMBERS' CODE OF CONDUCT

EXPLANATORY NOTE

(This note is not part of the Code)

The code of members' conduct sets out the conduct which is expected of members and co-opted members of the authority.

Paragraph 1 of the Code provides that the Code applies to any member of Horsham District Council and that it is the responsibility of each member to comply with the Code.

Paragraph 2 of the Code provides that the Code applies whenever a member is acting in his or her official capacity, and in relation to conduct in a member's private capacity the code only applies where such conduct has resulted in a criminal conviction. Additionally, where a member is acting as a representative of Horsham District Council, he or she must continue to observe the authority's code, unless he or she is subject to another relevant authority's code, or unless (in relation to any other body) it conflicts with any other legal obligations.

Paragraph 3 of the Code provides that members must treat others with respect and not do anything which may cause their authority to breach equality legislation, or which compromises the impartiality of those who work for the authority or bully anyone or intimidate persons involved in code of conduct cases.

Paragraph 4 of the Code provides that members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

Paragraph 5 of the Code provides that a member must not conduct himself or herself in a manner which could bring his or her authority into disrepute.

Paragraph 6 of the Code provides that a member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority's resources, he or she must act in accordance with the authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

Paragraph 7 of the Code provides that a member must have regard to advice given by the chief finance officer and monitoring officer and must give reasons for decisions made.

Paragraph 8 of the Code provides a list of matters which constitute a personal interest.

Paragraph 9 of the Code provides that generally a member with a personal interest in any business of his or her authority must disclose that interest at any meeting at which the business is considered.



Paragraph 10 of the Code provides that generally a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his or her judgement of the public interest. The paragraph provides that in specified circumstances a member may regard himself as not having a prejudicial interest.

Paragraph 11 of the Code provides that a member who was involved in making a decision or taking action on a matter must not be involved in the overview and scrutiny committee's consideration of that decision or action.

Paragraph 12 of the Code provides that a member with a prejudicial interest must, unless, for example, he or she is making representations and members of the public are also allowed to make representations on that matter, or he or she has obtained a dispensation, withdraw from any meetings at which the business is being considered, and must not improperly influence decisions in relation to the business.

Paragraph 13 of the Code provides that a member must notify the monitoring officer of his or her personal interests and any change to those interests must also be notified.

Paragraph 14 of the Code provides that a member may notify the monitoring officer of any sensitive information the availability of which to the public creates, or is likely to create, a serious risk that the member or a person who lives with him or her may be subjected to violence or intimidation.





**Horsham
District
Council**

MEMBERS' CODE OF CONDUCT

General Provisions

1. (1) This Code of Members' Conduct is made under section 51 of the Local Government Act 2000 and was adopted by Horsham District Council on 27th June 2007.
- (2) This Code applies to **you** as a member of an authority.
- (3) You should read this Code together with the general principles prescribed by the Secretary of State and set out in Part 4.
- (4) It is your responsibility to comply with the provisions of this Code.
- (5) In this Code—
 - "meeting" means any meeting of—
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees or area committees;
 - "member" includes a co-opted member and an appointed member;
 - "the authority" or "your authority" means Horsham District Council.
- (6) References to the authority's monitoring officer and the authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of Horsham District Council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a



representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.



4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.



(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either

(a) it relates to or is likely to affect

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;



(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.



(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or



are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.



Part 3

Registration of Members' Interests

Registration of members' interests

13. (1) Subject to paragraph 14, you must, within 28 days of

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.



Part 4

THE GENERAL PRINCIPLES

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

Selflessness

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

Honesty and Integrity

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

Objectivity

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

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

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

Respect for Others

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



Duty to Uphold the Law

- 8.** Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

- 9.** Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

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



Template Code of Conduct

As a member or co-opted member of *[X authority]* I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in *[X authority]* this will be done as follows: *[to be completed by individual authorities]*

As a Member of *[X authority]*, my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the *[county][borough][Authority's area]* or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

Illustrative text for code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity

You are a member or co-opted member of the [name] council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member -

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

The DCLG has published an 'illustrative text' of what a local authority code of conduct might look like. The LGA and other stakeholders have also drafted a code. So how do they compare? Peter Keith-Lucas reviews the documents.

The Department for Communities and Local Government had indicated that the new spirit of localism meant that they no longer issued guidance to local authorities. Indeed, there is no provision in the Localism Act for anything like the Model Code under the 2000 Local Government Act.

So the Local Government Association thought it would be sensible to try to put together the "LGA Model".

The day after the LGA had published their model Code, and without any apparent warning, Bob Neill published the DCLG version or "illustrative text". I am not aware that he has ever explained why he felt that this was necessary, if LGA was already doing something similar.

But I have now done a comparison of the DCLG and the LGA Codes with the the old Model Code, and it is quite revealing:

- First, the DCLG Code and the LGA Code are so similar, sharing great passages of identical but quite individual drafting, that I can only assume that they derive from a common source document. Someone must have fed the same text to LGA members and to DCLG, and then both made slightly different amendments;
- Both Codes are seriously deficient on confidentiality;
- The DCLG version leaves out anything to do with treating others with respect, bullying, and politicising staff;
- Both versions omit anything on equalities.

As we are now two-and-a-half months from the promised date of implementation, and DCLG has yet to publish regulations which define the new Disclosable Pecuniary Interests or the transitional arrangements, including how outstanding complaints will be dealt with, I might suggest that DCLG could have used their precious time more effectively.

However, I have a serious concern about whether either Code provides a reasonable basis for addressing member misconduct:

- Some members misbehave. Misconduct can seriously damage the effectiveness and reputation of not only the member's own authority but of local government in general. There is no reason to believe that the abolition of the clarity of the old Model Code and the abolition of statutory sanctions for misbehaving members will result in any reduction in the extent to which some members misconduct themselves.
- As a general principle, a code which is intended to prevent misconduct should clearly identify what conduct is unacceptable. To illustrate, if you want to regulate car clampers, it is not very useful to have a code which says that clamping should be used to ensure the effective use of the car park. It is more effective to provide that you shall not clamp cars displaying a disabled driver badge; you shall affix a notice to each clamped vehicle clearly stating the 24-hour contact number, and you shall attend the clamped vehicle to accept payment and release a clamped vehicle within one hour of a call to that number;
- Both model Codes basically comprise the broad aspirational Principles ("Openness, Accountability", etc.) plus a few, quite selective, examples of what each Principle means in practice. So, both Codes provide the declaration of interests as the illustration of the Principle of Honesty. This simply confuses. Is "Honesty" limited to the declaration of interests, or is it a breach of the Code for a member to lie?
- The basic problem is that, if the Code comprises such broad principles, it provides no practical guidance beyond the limited examples as to what constitutes a failure to comply with the Code. That makes it very easy to accuse a member of failure. For example, is opposition a failure to provide Leadership? If the Leader is caught out by an event which he has failed to anticipate, is that a failure to provide Leadership?
- This might not matter if the new Code were enforced by Standards Committees with independent members and independent Chairmen. But it will now be enforced by Standards Committees on which the majority party has a voting majority, with no requirement for independent members, and an Independent Person who cannot have a vote.

The combination of a subjective Code and a political Standards Committee does not fill me with confidence.

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[Name of Authority]

Code of Conduct for Members

On their election or co-option to the [*name of authority*], members are required to sign an undertaking to comply with the authority's Code of Conduct.

This Code of Conduct, adopted by the authority on [add date], is set out below. It is made under Chapter 7 of the Localism Act 2011 and includes, as standing orders made under Chapter 7 of that Act and Schedule 12 of the Local Government Act 1972, provisions which require members to leave meetings in appropriate circumstances, while matters in which they have a personal interest are being considered.

Part 1 – General provisions

Introduction and interpretation

1. —(1) This Code applies to **you** as a member of the authority, when acting in that capacity.

(2) This Code is based upon seven principles fundamental to public service, which are set out in **Appendix 1**. You should have regard to these principles as they will help you to comply with the Code.

(3) If you need guidance on any matter under this Code you should seek it from the authority's monitoring officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.

(4) It is a criminal offence to fail to notify the authority's monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly to provide false or misleading information to the authority's monitoring officer.

(5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding -

(a) whether to take action in relation to you and

(b) what action to take.

(6) In this Code—

“authority” means [*add name of authority*]

“Code” means this Code of Conduct

“co-opted member” means a person who is not a member of the authority but who-

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority; [*authorities using a committee system should delete (b)*]

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees; ; [*authorities using a committee system should delete “or its executive’s”*]

"member" includes a co-opted member.

“register of members’ interests” means the authority's register of members' pecuniary and other interests established and maintained by the authority's monitoring officer under section 29 of the Localism Act 2011.

Scope

2. —(1) Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of its the equality duties (in particular as set out in the Equality Act 2010);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 – Interests

Personal interests

8. – (1) The interests described in paragraphs 8(3) and 8(5) are your personal interests and the interests in paragraph 8(5) are your pecuniary interests which are disclosable pecuniary interests as defined by section 30 of the Localism Act 2011.

(2) If you fail to observe Parts 2 and 3 of the Code in relation to your personal interests—

(a) the authority may deal with the matter as mentioned in paragraph 1(5) and

(b) if the failure relates to a disclosable pecuniary interest, you may also become subject to criminal proceedings as mentioned in paragraph 1(4).

(3) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest

in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(4) In sub-paragraph (3)(b), a relevant person is—

(a) a member of your family or a [close] friend; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

(5) Subject to sub-paragraphs (6) and (7), you have a personal interest which is also a disclosable pecuniary interest as defined by section 30 of the Localism Act 2011 in any business of your authority where (i) you or (ii) your partner-
[add list of interests]

[NB – the following version of 8(5) has been suggested for any authority which wants to adopt this draft as its new Code before the Regulations specifying “disclosable pecuniary interests have been made:- “8(5) Subject to sub-paragraphs (6) and (7), you have a personal interest which is also a disclosable pecuniary interest in any business of your authority where (i) you or (ii) your partner have any interest of a description specified as a disclosable pecuniary interest in Regulations made by the Secretary of State pursuant to section 30 of the Localism Act 2011. [Note - the list of disclosable pecuniary interests will be added to the Code at the end of this paragraph as soon as the Regulations have been made.]”

(6) In sub-paragraph (5), your partner means—

- (a) your spouse or civil partner,
- (b) a person with whom you are living as husband and wife, or
- (c) a person with whom you are living as if you were civil partners,

(7) In sub-paragraph (5), any interest which your partner may have is only treated as your interest if you are aware that that your partner has the interest.

Disclosure of personal interests (See also Part 3)

9. —(1) Subject to sub-paragraphs (2) to (6), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which any matter relating to the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) If the personal interest is entered on the authority’s register there is no requirement for you to disclose the interest to that meeting, but you should do so if you wish a disclosure to be recorded in the minutes of the meeting.

(3) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(4) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest and, if also applicable, that it is a disclosable pecuniary interest, but need not disclose the sensitive information to the meeting.

(5) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision on any matter in relation to that business, you must ensure that any written statement

of that decision records the existence and nature of that interest. *[Authorities using a committee system should delete (5)]*

(6) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000. *[Authorities using a committee system should delete (6)]*

Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where either-

(a) the interest is a disclosable pecuniary interest as described in paragraph 8(5), or

(b) the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) For the purposes of sub-paragraph (1)(b), you do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Interests arising in relation to overview and scrutiny committees

11. You also have a personal interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

[Authorities using a committee system should amend 11 as appropriate.]

Effect of prejudicial interests on participation

12. —(1) Subject to sub-paragraph (2) and (3), where you have a prejudicial interest in any matter in relation to the business of your authority—

(a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, or further vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter is being held—

- (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
- (ii) in any other case, whenever it becomes apparent that the matter is being considered at that meeting;

unless you have obtained a dispensation from your authority's monitoring officer or standards committee;

(b) you must not exercise executive functions in relation to that matter
[Authorities using a committee system should delete (b)]; and

(c) you must not seek improperly to influence a decision about that matter.

(2) Where you have a prejudicial interest in any business of your authority which is not a disclosable pecuniary interest as described in paragraph 8(5), you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence

relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(3) Where you have a prejudicial interest which is not a disclosable pecuniary interest as described in paragraph 8(5), arising solely from membership of any body described 8(3)(a)(i) or 8(3)(a)(ii)(a) then you do not have to withdraw from the room or chamber and may make representations to the committee but may not participate in the vote.

~~Effect of disclosable pecuniary interests on participation~~

Part 3 – Registration of Interests

Registration of members' interests

13. —(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by the authority; or

(b) your election or appointment to office (where that is later),
register in the register of members' interests details of-

- (i) your personal interests where they fall within a category mentioned in paragraph 8(3)(a) and
- (ii) your personal interests which are also disclosable pecuniary interests where they fall within a category mentioned in paragraph 8(5)

by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest falling within sub-paragraphs (1)(i) or (1)(ii) or any change to any personal interest registered under sub-paragraphs (1)(i) or (1)(ii), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, the monitoring officer shall not include details of the interest on any copies of the register of members' interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is

no longer sensitive information, notify your authority's monitoring officer asking that the information be included in the register of members' interests.

(3) In this Code, "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Dispensations

15 - (1) The standards committee, or any sub-committee of the standards committee, or the monitoring officer may, on a written request made to the monitoring officer of the authority by a member, grant a dispensation relieving the member from either or both of the restrictions in paragraph 12(1)(a) (restrictions on participating in discussions and in voting), in cases described in the dispensation.

(2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the standards committee, its sub-committee, or the monitoring officer—

(a) considers that without the dispensation the number of persons prohibited by paragraph 12 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

(c) considers that granting the dispensation is in the interests of persons living in the authority's area,

(d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by paragraph 12 from participating in any particular business to be transacted by the authority's executive, *[Authorities using a committee system should delete (d)]*; or

(e) considers that it is otherwise appropriate to grant a dispensation.

(2) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

(3) Paragraph 12 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

APPENDIX 1

The Seven Principles of Public Life

Selflessness

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

Honesty and Integrity

2. Members should not place themselves in situations where ~~their honesty and integrity~~ may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. **Members should show integrity by consistently treating other people with respect, regardless of their race, age, religion, gender, sexual orientation, disability or position, for example as an officer or employee of the authority.**

Objectivity

3. Members should make decisions **in accordance with the law and** on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Honesty

6. **Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour.** Members should declare any private interests relating to their public duties ~~and to their public duties~~ and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

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

Part 5 Section 1

Code of Conduct

Part 1

General provisions

Introduction and interpretation

- 1.** (1) This Code applies to **you** as a member of the County Council.
- (2) You should read this Code together with the general principles of public life on which they are based.
- (3) It is your personal responsibility to comply with the provisions of this Code.
- (4) In this Code:
 - 'meeting' means any meeting of:
 - (a) the authority, the executive, any committees, sub-committee, joint committee, area or local committee;
 - (b) members in formal or informal meetings with other members and/or with officers relating to the business of the authority;
 - 'member' includes a co-opted member and an appointed member.
- (5) If you need guidance on any aspect of this Code you should seek it from the Monitoring Officer or Deputy Monitoring Officer.

Scope

- 2.** (1) You must comply with this Code whenever you act or appear to act in your official capacity, namely when you:
 - (a) conduct the business of your authority (including the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,
- (2) It is a criminal offence to fail to notify the authority's monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have a disclosable pecuniary interest, without reasonable excuse. It is also an offence knowingly or recklessly to provide false or misleading information to the authority's monitoring officer.

- (3) Where you act as a representative of your authority:
 - (a) on another authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

- 3. (1) You must treat others with respect.
- (2) You must not do anything which may cause your authority to breach any of the equality duties (as set out in the Equality Act 2010);
- (3) You must not bully any person;
- (4) You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant or a witness, or involved in any investigation or proceedings about a complaint that a member (including yourself) has failed to comply with his or her authority's code of conduct;
- (5) You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (6) You must not:
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made for the purpose of obtaining professional advice and the recipient agrees not to disclose the information to any other person; or
 - (iv) the disclosure is in the public interest, made in good faith and in compliance with the reasonable requirements of the authority¹; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
- (7) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- (8) You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an

advantage or disadvantage; and

- (9) You must, when using or authorising the use by others of the resources of your authority:
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (10) You must have regard to the County Council's Code of Practice on Publicity and to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (11) When reaching decisions on any matter you must have regard to any relevant advice provided to you by the authority's chief finance officer or the authority's monitoring officer, where that officer is acting pursuant to his or her statutory duties.
- (12) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

[¹ Note 'in compliance with the reasonable requirements of the authority' means that a member should consult the Chief Executive (as Head of Paid Service), the Head of Legal and Democratic Services (as Monitoring Officer) or the Executive Director Finance and Performance (as Chief Financial Officer) before taking a decision on whether or not to disclose confidential information.]

Part 2

Interests

Personal interests

- 4.** (1) You have a personal interest in any business of your authority where either:
 - (a) it relates to or is likely to affect:
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body:
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your Authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

OR

- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division;

(2) In sub-paragraph (1)(b), a relevant person is:

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which

they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

- 5.** (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 4(1)(a)(i) or 4(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 4(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 11, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Where you have a personal non-prejudicial interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, 'executive decision' is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Disclosure of Pecuniary Interests

- 6.** (1) Subject to sub-paragraphs (2) and (3), you have a personal interest which is also a disclosable pecuniary interest as defined by section 30 of the Localism Act 2011 in any business of your authority where (i) you or (ii) your partner

[add list of interest from Regulations]

- (2) In sub-paragraph (1), your partner means:
 - (a) your spouse or civil partner,
 - (b) a person with whom you are living as husband and wife, or
 - (c) a person with whom you are living as if you were civil partners.
- (3) In sub-paragraph (2), any interest which your partner may have is only treated as your interest if you are aware that your partner has the interest.

Prejudicial interests generally

- 7. (1) Subject to sub-paragraph (2), where you have a personal or pecuniary interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business:
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 4;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 4; or
 - (c) relates to the functions of your authority in respect of:
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government

- (3) The determining of any approval, consent, licence, permission or registration as referred to in paragraph 7(2)(b) shall include the amendment, modification, or variation of any such approval, consent, licence, permission or registration or any condition, limitation or term to which it is subject or the revoking of any approval, consent, licence, permission or registration.

Prejudicial interests arising in relation to overview and scrutiny committees

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

Effect of prejudicial interests on participation

9. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority:
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held:
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from the monitoring officer;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and

scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose.

Part 3

Registration of Members' Interests

Registration of members' interests

- 10.** (1) Subject to paragraph 11, you must, within 28 days of:
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later), register in your authority's register of members' interests
 - (i) details of your personal interests where they fall within a category mentioned in paragraph 4(1)(a), by providing written notification to your authority's monitoring officer, and
 - (ii) disclosable pecuniary interests as defined in paragraph 6.
- (2) You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by written notification to your authority's monitoring officer.

Sensitive information

- 11.** (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or a change to that interest.
- (2) You must, within 28 days of becoming aware of circumstances which mean that information excluded under paragraph (1) is no longer sensitive, notify the monitoring officer so that the information is included in your authority's register of members' interests.
- (3) In this Code, 'sensitive information' means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or any person may be subjected to violence or intimidation.

NALC's template code of conduct for parish councils

As explained in paragraph 13 of LTN 80 – 'Members' conduct and the registration and disclosure of their interests (England)', NALC has produced a template code of conduct for parish councils because:

- it does not recommend that parish councils adopt the LGA's template code of conduct and
- parish councils may not want to draft their own or adopt their principal authority's code of conduct.

Unlike the LGA's template code of conduct, the attached NALC template code of conduct has the following features:

1. It uses concise and clear language to define members' obligations in respect of their conduct.
2. It incorporates members' mandatory obligations in respect of disclosable pecuniary interests. These are yet to be defined by regulations which are expected to be made before 1 July 2012 and will be inserted in Appendix A of the NALC template.
3. It sets out other pecuniary interests and non pecuniary interests in Appendix B of the NALC template about which members have obligations with regard to registration, disclosure, and speaking at meetings.
4. It describes the circumstances in which a parish council may grant a dispensation for members to participate and vote on a matter at a meeting.
5. It accommodates variations to be made to it except in relation to members' mandatory obligations about disclosable pecuniary interests in Appendix A. Substantive amendments to the NALC template code of conduct are not recommended because it establishes (i) the minimum standards for members' conduct which are consistent with the Nolan principles of conduct in public life and (ii) a proportionate range of pecuniary and non pecuniary interests which members are subject to.

It is likely that some of the interests presently included in Appendix B of the NALC template will constitute disclosable pecuniary interests, prescribed by regulation, and that any such interests will need to be included in Appendix A. NALC will publish the final version of its template code of conduct after regulations which define disclosable pecuniary interests have been made.

This briefing was issued by Meera Tharmarajah, Solicitor and Head of Legal Services

NALC template code of conduct for parish councils

Introduction

Pursuant to section 27 of the Localism Act 2011, X [Parish/Town/Village/Community/Neighbourhood] Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register all interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any interests in Appendices A and B.
8. A member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

9. A member need only declare on the public register of interests the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests

9. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
10. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting.
12. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter before withdrawing. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
13. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the member shall disclose the nature of the interest and

withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

14. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

Appendix A

Such interests, as prescribed by regulations, are.....

Appendix B

[Unless they are interests prescribed by regulation for inclusion in Appendix A] any interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which the member of the Council is a member or in a position of general control or management;
- (iii) any employment or business carried on by the member;
- (iv) any person or body who employs or has appointed the member;
- (v) any person or body, other than the Council, who has made a payment to the member in respect of his/her election or any expenses incurred by him/her in carrying out his/her duties;
- (vi) any person or body who has a place of business or land in the Council's area, and in whom the member has a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

- (vii) any contract for goods, services or works made between the member's Council and the member or a firm in which he/she is a partner, a company of which he /she is a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.
- (ix) any land in the Council's area in which the member has a beneficial interest;
- (x) any land where the landlord is the Council and the member is, or a firm in which the member is a partner, a company of which the member is a remunerated director, or a person or body of the description specified in paragraph (vi), is the tenant;
- (xi) any land in the Council's area for which the member has a licence (alone or jointly with others) to occupy for 28 days or longer.