

# PLEASE NOTE VENUE

## STANDARDS COMMITTEE AGENDA



**Tuesday 19 June 2007**

**at 4.00pm**

**in Training Room 2, Belle Vue Sports,  
Community and Youth Centre, Kendal Road, Hartlepool**

MEMBERS: STANDARDS COMMITTEE:

Councillors R W Cook, Griffin, Laffey, Preece, Shaw, Turner and Wallace

Co-opted Members: Mr K Fisher, Mr B Gray, 1 Vacancy

Parish Councillor Ray Gilbert, Elwick Parish Council

Parish Councillor Brian Walker (For Information Only)

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

- 3.1 To confirm the minutes of the meeting held on 24 April 2007 (Attached)

**4. ITEMS FOR CONSIDERATION**

- 4.1 Revised Code of Conduct for Members – *Chief Solicitor* (To Follow)
- 4.2 Local 'Sieve' – Future Arrangements for the Processing Complaints – *Chief Solicitor* (To Follow)

# **STANDARDS COMMITTEE**

## **MINUTES AND DECISION RECORD**

24 April 2007

The meeting commenced at 4.00pm in the Belle Vue Sports,  
Community and Youth Centre, Hartlepool

**Present:**

Mr Keith Fisher, (In the Chair)

Councillors: Jonathon Brash, Sheila Griffin and Jane Shaw.

Parish Councillor Pauline Booth (Dalton Piercy Parish Council)

Officers: Tony Brown, Chief Solicitor  
David Cosgrove, Principal Democratic Services Officer

### **22. Apologies for Absence**

Mr Barry Gray and Councillor Iseley.

### **23. Declarations of interest by members**

None.

### **24. Confirmation of the minutes of the meeting held on 20 February 2007.**

Confirmed.

### **25. The Local Authorities (Model Code of Conduct) Order 2007** *(Chief Solicitor)*

The Chief Solicitor reported that there had been extensive consultation upon the revisions to the Model Code of Conduct initiated through the Department for Communities and Local Government and the Standards Board for England. Members of the Committee were now informed that the Order was made on 2nd April, 2007 and came into force on 3rd May, 2007. A copy of the relevant statutory instrument (2007/No 1159) is attached as an appendix to the report for the information and consideration of the Committee.

The Chief Solicitor reported that the Secretary of State had power to issue such a code under Section 50 of the Local Government Act, 2000. Further,

pursuant to Section 51, it was the duty of a relevant authority “before the end of the period of six months beginning with the day on which the first Order under Section 50 which applies to them is made, to pass a resolution adopting a code as regards the conduct which is expected of members and co-opted members of the authority”. Accordingly, this authority first adopted the Model Code of Conduct in 2002, under the Local Authorities (Model Code of Conduct) (England) Order, 2001. Section 51(2) further provides a duty upon a relevant authority “before the end of the period of six months beginning with a day on which any subsequent Order under Section 50 which applies to them is made, to pass a resolution –

- (a) adopting Code of Conduct in place of their existing Code of Conduct under this section, or
- (b) revising their existing Code of Conduct under this section”.

As the 2007 Order was “made” on 2nd April 2007, this required the authority to adopt this new Model Code of Conduct on or before 1st October, 2007, otherwise it would apply automatically.

Under article 9 of the Constitution of Hartlepool Borough Council the “Role and Function” of the Standards Committee, includes the following;

- Promoting and maintaining high standards of conduct by the Mayor, Councillors, co-opted members and church and parent governor representatives;
- Assisting the Mayor, Councillors, co-opted members and church and parent governor representatives to observe the members Code of Conduct;
- Advising the Council of adoption or revision of the members Code of Conduct;
- Monitoring the operation of the members Code of Conduct;
- Advising, training or arranging to train the Mayor, Councillors, co-opted members and church and parent governor representatives on matters relating to the members Code of Conduct.

The Committee was, therefore, requested to consider the submitted Statutory Instrument in conjunction with the remit of the Committee. The Chief Solicitor provided a summary of the main provisions of the Order in the report. It was highlighted that the Order revoked the four Model Codes of Conduct Orders that apply to Local Authorities, Parish Councils, National Park and Boards Authorities and Police Authorities and replaced them with one unified Model Code of Conduct. The Order also specified which of the provisions of the Code were mandatory. Members attention was therefore drawn by the Chief Solicitor to the following aspects of this Order.

- The Code has application to any member of an authority and a co-opted member and that it is the responsibility of each member to comply with the Code.
- The Code has application whenever a member/co-opted member is

acting in his/her official capacity and in relation to conduct in a members private capacity where such conduct has resulted in a criminal conviction.

- The Code provides that members must treat others with respect and not do anything which may cause the 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. Members will recognise this latter provision in relation to bullying or intimidation of persons, which follows the recommendations contained within the earlier consultation documents.
- As before, the Code provides that members must not, without consent, disclose confidential information they have acquired, but also they must not prevent others from gaining access to information to which they are entitled.
- A member must not conduct himself or herself in a manner which could bring his/her authority into disrepute.
- A member must not use his/her position improperly to gain an advantage or confer a disadvantage and when using or authorising the use of the authority's resources, he or she must act in accordance with the authority's reasonable requirements, and must not permit those resources to be used for particular purposes and must have regard to the local authority's code of publicity. Again, this provision seeks to clarify the position as to members use of resources.
- The Code provides that a member must have regard to advice given both by the Chief Financial Officer and Monitoring Officer with a requirement for the provision of reasons for decisions to be made.
- The Code provides a list of those matters which constitutes a personal interest and of note, a gift or any hospitality would have to be declared where the value is at least £25.00.
- As before, where a member has a personal interest that member will also have a prejudicial interest if that interest could be regarded by a member of the public as being so significant that is likely to prejudice his/her judgement of the public interest. However, the Code also provides circumstances where a member may regard himself as not having a prejudicial interest, i.e. where any business of the authority does not affect the member's financial position or the financial position of the person or body prescribed under paragraph 8 of the Code and is not related to the determination of any approval, consent, licence, permission or registration in relation to the member or any person or body as described within paragraph 8
- The Code further clarifies the position that a member who is 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.
- The Code further 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/she has obtained a dispensation, to withdraw from any meetings at which the business is being considered and must not improperly influence decisions in relation to that business.

- As before the Code obliges the member to notify the Monitoring Officer of his/her personal interests and any change to those interests must also be notified.
- The Code however does provide 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 person who lives with him or her may be subjected to violence or intimidation.

Members noted the changes to the code, which would give new permission in cases such as Planning Committee for ward Councillors to represent the views of their constituents even though they may have a prejudicial interest in the matter. The Chief Solicitor indicated that it would still be necessary that once the Councillor had made such a presentation to the Committee, they would then be required to withdraw from the meeting.

It was acknowledged that there was still some language in the model code that was subject to interpretation and may need further definition. Personal Interests had also been changed in definition to relate to “other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision”. Previously this had related to those within the whole borough.

Definitions in relation to prejudicial interests had also been changed and Members noted that the new definition stated where Members ‘did not have a prejudicial interest’, which it was hoped may assist members generally.

The Chief Solicitor indicated that a draft code of conduct for elected and co-opted members in Hartlepool would be submitted to the next meeting of the Committee. It was considered by all present that it was important for the authority to prepare and adopt its own code before 1 October 2007 and the imposition of the government’s model code.

### **Decision**

That the report be noted and that a further report on the draft new code of conduct for elected members and co-opted members be submitted to the next meeting of the Committee

## **26. Sixth Annual Assembly of Standards Committees** (*Chief Solicitor*)

The Chief Solicitor reported that Sixth Annual Assembly of Standards Committees would take place on 15th and 16th October, 2007, at the International Convention Centre, Birmingham. The programme for the event was entitled “Down to Detail – Making Local Regulation Work” and had a varied schedule with cognisance to the implementation to the revised Code of Conduct and the responsibility upon Standards Committees as a “local filter” of complaints from April, 2008. The Chief Solicitor stated that the authority had not sent a representative to every Annual Assembly in the past, though those Members who had attended had found them to be extremely useful.

In light of the forthcoming elections and the subsequent changes to the Committee's membership, it was suggested that the matter of attendance be reconsidered at the next meeting.

**Decision**

That consideration of attendance at the Sixth Annual Assembly of Standards Committees be deferred to the next meeting.

CHAIRMAN

## STANDARDS COMMITTEE

19<sup>TH</sup> JUNE 2007



**Report of:** Chief Solicitor

**Subject:** Revised Code of Conduct for Members

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### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to acquaint the Committee with the revised model Code of Conduct for Councillors, and to invite consideration to the approval of a new Code for Hartlepool Councillors and co-opted members.

### 2. BACKGROUND

- 2.1 The current Code of Conduct for Councillors was adopted by the Council in 2002 and follows the statutory model then in force. The Local Authorities (Model Code of Conduct) Order 2007 provides a revised model code of conduct, the mandatory provisions of which local authorities are required to adopt by 1<sup>st</sup> October 2007, failing which the code of conduct will be deemed to apply to councillors in any event.
- 2.2 The revised model code is attached at Appendix 1.
- 2.3 The main changes brought about by the revised model include –
- Reflecting the judgment in the High Court in the Livingston Case, the code applies only to conduct in the performance of a members functions as a member, and not to events in a members private life. But note that proposed legislative changes would re-apply the code to events in a member's private life;
  - There are new offences of 'bullying' and of intimidation and victimisation in respect of standards proceedings. But the offence of failing to report a breach of another member is deleted;
  - There is a new public interest defence for breach of confidentiality which would be available if certain criteria are met;
  - A member with a prejudicial interest will be able to make representations to a meeting where a member of the public would have the same facility; such a member would also be able to participate fully where his/her interest is shared with the majority of residents in the relevant ward.

- 2.4 Members are also referred to the Standards Board Bulletin appearing elsewhere in this agenda and which contains a useful commentary on the principal changes brought about by the revised code.
- 2.5 Also attached to this report (Appendix 2) is the guidance issued by the Standards Board which comments in greater detail on the operation and interpretation of the revised model code.

### 3. **ADOPTION OF NEW CODE**

- 3.1 A new Code of Conduct may only be adopted by Full Council. It will therefore be necessary to refer the revised code to Council in advance of 1<sup>st</sup> October, in order to comply with the statutory requirement to adopt the new model code. Reference is made in the Bulletin to the fact that certain provisions of the model code are not mandatory for some authorities; however, for an authority such as Hartlepool Borough Council – a unitary authority exercising executive arrangements – all provisions of the model code are mandatory. Accordingly, the model code will have to be adopted in full.
- 3.2 However, it is open to an authority to incorporate additional requirements in its code. In this respect, it is, therefore, relevant to note the Cabinet report to Council at their meeting on 21<sup>st</sup> June 2007, dealing with the arrangements for Criminal Records Bureau checks for members. Although the Standards Board, in their guidance, recommend that additional provisions are not inserted into an authority's code, nonetheless, it is suggested in the report that it would be advantageous for the Hartlepool Code to include a requirement for members to undertake a CRB check in accordance with the approved arrangements. If this suggestion is approved by Council, it would be appropriate to include an additional part and paragraph in the Council's Code, namely

“Part 4 Criminal Records Bureau

16        You must undertake a Criminal Records Bureau check when called upon to do so in accordance with the Council's arrangements for CRB checks for councillors and co-opted members”

- 3.3 Members may recall that at the consultation stage, consideration was given to the incorporation of the 10 general principles of public life in the revised model code. This cannot take place under current legislation, but it is recommended by the Standards Board that the principles be included in a preamble to an authority's Code of Conduct.
- 3.4 It should be noted that guidance states that a member's declaration and undertaking to abide by the Code of Conduct will apply to a new code adopted by the Council since the declaration and undertaking were given.



#### **4. RECOMMENDATIONS**

It is recommended that

- (a) The committee recommend Council to adopt the revised model code of conduct with the addition of a preamble incorporating the 10 General Principles of Public Life and with an additional Part 4 as set out above.
- (b) The Chief Solicitor be authorised to advertise the new Code of Conduct and take all other necessary action incidental to its adoption.

APPENDIX 1

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

**Scope**

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

and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for

which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

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

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

### **General obligations**

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

(2) You must not—

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

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

4. You must not—

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

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

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

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

6. You—

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

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

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

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

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

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

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

(b) your authority's monitoring officer,

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

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

## Part 2

### Interests

#### **Personal interests**

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

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

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

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Disclosure of personal interests**

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

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

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

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

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

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any

business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

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

### **Prejudicial interest generally**

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

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

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

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

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

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

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

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

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

(v) any ceremonial honour given to members; and

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

### **Prejudicial interests arising in relation to overview and scrutiny committees**

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

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

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

### **Effect of prejudicial interests on participation**

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

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

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

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

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

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

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

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

## **Part 3**

### **Registration of Members' Interests**

#### **Registration of members' interests**

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

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

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

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

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written



notification to your authority's monitoring officer.

**Sensitive information**

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

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

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

# THE CODE OF CONDUCT

**Guide for members**  
**May 2007**



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# Preface

This guide from the Standards Board for England provides an overview of the revised Model Code of Conduct. The Code of Conduct applies to all members and co-opted members of local authorities, and all members are required to sign up to it as part of their declarations of acceptance of office. The Code of Conduct does not apply to the actions of authorities as a whole, or to the conduct of its officers and employees.

The following pages aim to provide you with a general understanding of the Code of Conduct and its requirements. Chapter 1 provides an introduction, whilst Chapter 2 outlines your obligations under the Code of Conduct, referencing specific paragraphs of the Code of Conduct for further information. Chapters 3 and 4 deal with general issues surrounding interests, and aim to clarify a number of provisions which you will find in Parts 2 and 3 of the Code of Conduct. You can obtain a copy of the Code of Conduct by downloading it from [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk) or to purchase a printed copy, contact The Stationery Office by visiting [www.tsoshop.co.uk](http://www.tsoshop.co.uk) or calling 0870 242 2345.

Ultimately, however, it is your responsibility to take specific advice from your monitoring officer where appropriate and to make a decision as to the most suitable course of action.

This guide is issued by the Standards Board for England under the *Local Government Act 2000* for elected, co-opted and appointed members of:

- district, unitary, metropolitan, county and London borough councils
- parish and town councils
- English and Welsh police authorities
- fire and rescue authorities (including fire and civil defence authorities)
- the London Fire and Emergency Planning Authority
- passenger transport authorities
- the Broads Authority
- national park authorities
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

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# Introduction

## Adopting the Model Code of Conduct

Your local authority will have until 1 October 2007 to adopt the Code of Conduct. After this time, members of authorities that have not adopted it will be automatically covered by it. To avoid confusion with the previous Code, the Standards Board for England ('the Standards Board') encourages your local authority to adopt the Code of Conduct at its first opportunity.

It is also important that the Code of Conduct is adopted in its model form, without amendment. This will give certainty to members and the public as to what standards are expected. It will ensure consistency throughout local authorities, avoiding confusion for members on more than one authority and for the public. It will also minimise the legal risk of your authority adopting additional provisions which are unenforceable.

However, there is one important exception. The right to make representations, answer questions and give evidence like a member of the public when a member has a prejudicial interest is not a mandatory provision for:

- parish and town councils
- English and Welsh police authorities
- fire and rescue authorities (including fire and civil defence authorities)

- the London Fire and Emergency Planning Authority
- passenger transport authorities
- the Broads Authority
- national park authorities
- the Greater London Authority

Therefore, this right will only apply to the above authorities if paragraph 12(2) of the Code of Conduct is adopted by them. Simply adopting the mandatory provisions will not incorporate this important change.

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# The Ten General Principles of Public Life

The Standards Board recommends that your local authority includes a preamble to the Code that it adopts, which outlines the ten general principles governing the conduct of members of local authorities. These ten general principles are set out in the *Relevant Authorities (General Principles) Order 2001*. They are based on the Seven Principles of Public Life set out by the Committee on Standards in Public Life, and appear in full in **Table 1**.

These principles define the standards that members should uphold, and serve as a reminder of the purpose of the Code of Conduct.

As these principles do not create a statutory obligation for members, the Standards Board cannot accept allegations that they have been breached.

However, you should be aware that a failure to act in accordance with these general principles may amount to a breach of the Code of Conduct. For example, by placing yourself in situations where your honesty and integrity may be questioned, your conduct may be “conduct which could reasonably be regarded as bringing a member’s office or authority into disrepute” as stated in paragraph 5 of the Code of Conduct.



# Deciding when the Code of Conduct applies to you

The Code of Conduct applies to you:

1. Whenever you act in your official capacity, including whenever you conduct the business of your authority or act, claim to act, or give the impression you are acting, in your official capacity or as a representative of your authority.
2. At any time<sup>1</sup>, where your behaviour has led to a criminal conviction. However, only paragraphs 3(2)(c), 5 and 6(a) have effect in these circumstances when you are acting in your private capacity. Otherwise, the Code of Conduct does not apply to your private life.

Where you act as a representative of your authority on another relevant authority, you must, when acting for that other authority, comply with their Code of Conduct.

You may also act as a representative of your authority on another body, for example as a school governor. When acting for that other body, you must comply with your authority's Code of Conduct, unless it conflicts with lawful obligations of the other body.

<sup>1</sup> Transitional Note: Until such time as there is Parliamentary approval for amendments to section 52 of the *Local Government Act 2000* which reinstates the situation prior to Collins J's decision in *Livingstone v Adjudication Panel for England* 2006, the Code of Conduct does not apply to conduct outside of the performance of your functions as a member. Only if you have engaged in an activity which has a link with the functions of your office will any conduct in your private capacity be covered by the Code of Conduct. If the legislative amendments are passed, the Code of Conduct will also apply to criminal activity which has led to a conviction.

# Table 1 The Ten General Principles of Public Life

**Selflessness** – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and integrity** – 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** – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – 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** – 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** – 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** – 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** – 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** – 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** – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

# 2.

## General obligations under the Code of Conduct

### Treating others with respect

#### See Paragraph 3(1)

You must treat others with respect.

In politics, rival groupings are common, either in formal political parties or more informal alliances. It is expected that each will campaign for their ideas, and they may also seek to discredit the policies and actions of their opponents. Criticism of ideas and opinion is part of democratic debate, and does not in itself amount to bullying or failing to treat someone with respect.

Ideas and policies may be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attack. This particularly applies to dealing with the public and officers. Chairs of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct.

Whilst it is acknowledged that some members of the public can make unreasonable demands on members, members should, as far as possible, treat the public courteously and with consideration. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

### Complying with equality laws

#### See Paragraph 3(2)(a)

You must not do anything which may cause your authority to breach any equality laws.

Equality laws prohibit discrimination on the grounds of sex, race, disability, religion or belief, sexual orientation and age.

The provisions of these laws are complex. In summary, there are four main forms of discrimination:

- Direct discrimination: treating people differently because of their sex, race, disability, religion or belief, sexual orientation or age.
- Indirect discrimination: treatment which does not appear to differentiate between people because of their sex, race, disability, religion or belief, sexual orientation or age, but which disproportionately disadvantages them.
- Harassment: engaging in unwanted conduct on the grounds of sex, race, disability, religion or belief, sexual orientation or age, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.

- Victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

Equality laws also impose positive duties to eliminate unlawful discrimination and harassment and to promote equality. They also impose specific positive duties on certain authorities.

Under equality laws, your authority may be liable for any discriminatory acts which you commit. This will apply when you do something in your official capacity in a discriminatory manner.

You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your authority's fulfilment of its positive duties under equality laws. Such conduct may cause your authority to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code of Conduct.

## Bullying and intimidation

### See Paragraphs 3(2)(b) and 3(2)(c)

**You must not bully any person including other councillors, council officers or members of the public.**

Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

This can be contrasted with the legitimate challenges which a member can make in challenging policy or scrutinising performance. An example of this would be debates in the chamber about policy, or asking officers to explain the rationale for the professional opinions they have put forward. You are entitled to challenge fellow councillors and officers as to why they hold their views.

It is important that you raise issues about poor performance in the correct way and proper forum. However, if your criticism is a personal attack or of an offensive nature, you are likely to cross the line of what is acceptable behaviour.

You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings relating to a failure to comply with the Code of Conduct.

However much you may be concerned about allegations that you or a fellow councillor failed to comply with the Code of Conduct, it is always wrong to bully, intimidate or attempt to intimidate any person involved in the investigation or hearing. Even though you may not have breached the Code of Conduct, you will have your say during any independent investigation or hearing, and you should let these processes follow their natural course.

If you intimidate a witness in an investigation about your conduct, for example, you may find yourself subject to another complaint that you breached this paragraph of the Code of Conduct.

## Compromising the impartiality of officers of the authority

### See Paragraph 3(2)(d)

You must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the authority.

You should not approach or pressure anyone who works for, or on behalf of, the

authority to carry out their duties in a biased or partisan way. They must be neutral and should not be coerced or persuaded to act in a way that would undermine their neutrality. For example, you should not get officers to help you prepare party political material, or to help you with matters relating to your private business. You should not provide or offer any incentive or reward in return for acting in a particular way or reaching a particular decision.

Although you can robustly question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

## Disclosing confidential information

### See Paragraph 4(a)

You must not disclose confidential information, or information which you believe to be of a confidential nature, except in any of the following circumstances:

- You have the consent of the person authorised to give it.
- You are required by law to do so.

- The disclosure is made to a third party for the purposes of obtaining professional advice (for example, your lawyer or other professional adviser) provided that person agrees not to disclose the information to any other person.
  - The disclosure is in the public interest. This is only justified in limited circumstances, when all of the following four requirements are met:
    1. the disclosure must be reasonable
    2. the disclosure must be in the public interest
    3. the disclosure must be made in good faith
    4. the disclosure must be made in compliance with any reasonable requirements of your authority
- In relation to the disclosure of confidential information in the public interest, the four requirements to be met are outlined in more detail below.
1. The first requirement, that the disclosure must be reasonable, requires you to consider matters such as:
    - Whether you believe that the information disclosed, and any allegation contained in it, is substantially true. If you do not believe this, the disclosure is unlikely to be reasonable.
    - Whether you make the disclosure for personal gain. If you are paid to disclose the information, the disclosure is unlikely to be reasonable.
    - The identity of the person to whom the disclosure is made. It may be reasonable to disclose information to the police or to an appropriate regulator. It is less likely to be reasonable for you to disclose the information to the world at large through the media.
    - The extent of the information disclosed. The inclusion of unnecessary detail, and in particular, private matters such as addresses or telephone numbers, is likely to render the disclosure unreasonable.
    - The seriousness of the matter. The more serious the matter disclosed, the more likely it is that the disclosure will be reasonable.
    - The timing of the disclosure. If the matter to which the disclosure relates has already occurred, and is unlikely to occur again, the disclosure may be less likely to be reasonable than if the matter is continuing, or is likely to re-occur.
    - Whether the disclosure involves your authority failing in a duty of confidence owed to another person.

2. The second requirement, that the disclosure must be in the public interest, needs to involve one or more of the following matters or something of comparable seriousness, that has either happened in the past, is currently happening, or is likely to happen in the future:
  - (a) A criminal offence is committed.
  - (b) Your authority or some other person fails to comply with any legal obligation to which they are subject.
  - (c) A miscarriage of justice occurs.
  - (d) The health or safety of any individual is in danger.
  - (e) The environment is likely to be damaged.
  - (f) That information tending to show any matter falling within (a) to (e) is deliberately concealed.
3. The third requirement, that the disclosure is made in good faith, will not be met if you act with an ulterior motive, for example, to achieve a party political advantage or to settle a score with a political opponent.

4. The fourth requirement, that you comply with the reasonable requirements of your authority, means that before making the disclosure you must comply with your authority's policies or protocols on matters such as whistle-blowing and confidential information. You must first raise your concerns through the appropriate channels set out in such policies or protocols.

In summary, to decide whether the disclosure is reasonable and in the public interest, you may need to conduct a balancing exercise weighing up the public interest in maintaining confidentiality against any countervailing public interest favouring disclosure. This will require a careful focus on how confidential the information is, on any potentially harmful consequences of its disclosure, and on any factors which may justify its disclosure despite these potential consequences.

In some situations, it is extremely unlikely that a disclosure can be justified in the public interest. These will include where the disclosure amounts to a criminal offence, or where the information disclosed is protected by legal professional privilege.



## Preventing access to information

### See Paragraph 4(b)

**You must not prevent anyone getting information that they are entitled to by law.**

You must not prevent any person from accessing information which they are entitled to by law. This includes information under the *Freedom of Information Act 2000* or those copies of minutes, agendas, reports and other documents of your authority which they have a right to access. To find out more about what types of information the public can access, contact the Information Commissioner's Office by visiting [www.ico.gov.uk](http://www.ico.gov.uk) or by calling 0845 630 6060.

## Disrepute

### See Paragraph 5

**You must not bring your office or authority into disrepute while acting in your official capacity, or at any time through criminal activity that leads to a criminal conviction.<sup>2</sup>**

<sup>2</sup> Transitional Note: Until such time as there is Parliamentary approval for amendments to section 52 of the *Local Government Act 2000* which reinstates the situation prior to Collins J's decision in *Livingstone v Adjudication Panel for England* 2006, the Code of Conduct does not apply to conduct outside of the performance of your functions as a member. Only if you have engaged in an activity which has a link with the functions of your office will any conduct in your private capacity be covered by the Code of Conduct. If the legislative amendments are passed, the Code of Conduct will also apply to criminal activity which has led to a conviction.

As a member, your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions in both your public and private life might have an adverse impact on your office or your authority. Dishonest and deceitful behaviour in your role as a member may bring your authority into disrepute, as may conduct in your private life which results in a criminal conviction, such as dishonest, threatening or violent behaviour.

## Using your position improperly

### See Paragraph 6(a)

**You must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.**

You should not use, or attempt to use, your public office either for your or anybody else's personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a member.

In addition to paragraph 6(a), paragraph 12 is also relevant to the proper use of your position. Paragraph 12 supports your role as a community advocate, representing and speaking for the concerns of your community, even where you have a prejudicial interest. This right applies to you at meetings where you have a statutory right



to speak or you are provided with the same opportunity to speak as ordinary members of the public would be allowed. If your authority does not allow members of the public to attend the relevant meeting for the purpose of speaking to it, paragraph 12 will not apply to you unless you have a statutory right to speak on the matter.

You must leave the room or chamber immediately after you have made the representations, given your evidence, or answered questions, and make no further attempt to influence the decision. If the meeting decides that you must stop speaking to the meeting, even if you have more to say, you must stop and leave the room. If you fail to comply with the meeting's direction or paragraph 12 of the Code of Conduct, you may be found to have improperly influenced the decision.

## The authority's resources

### See Paragraph 6(b)(i)

You must only use or authorise the use of the resources of the authority in accordance with its requirements.

Where your authority provides you with resources (for example telephone, computer and other IT facilities, transport or support from council employees), you must only use

these resources or employees for carrying out your local authority business and any other activity which your authority has authorised you to use them for.

You must be familiar with the rules applying to the use of these resources made by your authority. Failure to comply with your authority's rules is likely to amount to a breach of the Code of Conduct.

If you authorise someone (for example a member of your family) to use your authority's resources, you must take care to ensure that this is allowed by your authority's rules.

## Using resources for proper purposes only

### See Paragraphs 6(b)(ii) and 6(c)

You must make sure you use the authority's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes, including party political purposes. When using the authority's resources, you must have regard, if applicable, to any Local Authority Code of Publicity made under the *Local Government Act 1986*.

You should never use council resources for

purely political purposes, including designing and distributing party political material produced for publicity purposes.

However, your authority may authorise you to use its resources and facilities for political purposes in connection with your authority's business. For example, holding surgeries in your ward and dealing with correspondence from your constituents. In this case, you must be aware of the limitations placed upon such use for these purposes. Using your authority's resources outside of these limitations is likely to amount to a breach of the Code of Conduct.

## Considering advice provided to you and giving reasons

### See Paragraph 7

Please note: paragraph 7 is not mandatory for parish councils. However, your parish may choose to include an obligation to take account of your clerk's advice in the Code your authority adopts.

You must have regard to advice from your monitoring officer or chief finance officer where they give it under their statutory duties.

If you seek advice, or advice is offered to

you, for example, on whether or not you should register a personal interest, you should have regard to this advice before you make your mind up. Failure to do so may be a breach of the Code of Conduct.

You must give reasons for all decisions in accordance with statutory requirements and any reasonable requirements imposed by your authority. Giving reasons for decisions is particularly important in relation to regulatory decisions and decisions where people's rights are affected.

Where members disagree with officer recommendations in making a decision, members will need to take particular care in giving clear reasons for the decision.

# Personal and prejudicial interests

## Personal interests

### Key points:

#### Two types of personal interest

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- a) An interest that you must **register**.
- b) An interest that is not on your register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of:
  - inhabitants of the ward or electoral division affected by the decision (in the case of authorities with electoral divisions or wards)
  - inhabitants of the Assembly constituency affected by the decision (in the case of the Greater London Authority)
  - inhabitants of the authority's area (in all other cases)

These two categories of personal interests are explained in this section. If you declare a personal interest you can remain in the meeting, speak and vote on the matter, unless your personal interest is also a **prejudicial interest**.

What constitutes a prejudicial interest is outlined in the next section on page 22.

#### Effect of having a personal interest in a matter

You must declare that you have a personal interest, and the nature of that interest, before the matter is discussed or as soon as it becomes apparent to you except in limited circumstances. Even if your interest is on the register of interests, you must declare it in the meetings where matters relating to that interest are discussed, unless an exemption applies. When an exemption may be applied is explained opposite.

### Exemption to the rule on declaring a personal interest to the meeting

An exemption applies where your interest arises solely from your membership of, or position of control or management on:

1. any other body to which you were appointed or nominated by the authority
2. any other body exercising functions of a public nature (for example another local authority)

In these exceptional cases, provided that you do not have a prejudicial interest, you only need to declare your interest if and when you speak on the matter.

Example: if you are attending a council debate on education policy and are also a local education authority appointed governor, you would only need to declare an interest if and when you decided to speak during the debate. If you do not want to speak to the meeting on the decision, you may vote on the matter without making a declaration.

If you have sensitive employment, which you would like to withhold from the register of interests, please see page 31 for more information.

### a) Interests you must register

#### Key points:

All members have to provide a record of their interests in a public register of interests.

You must tell your monitoring officer in writing (in the case of a parish councillor, perhaps through your clerk) within 28 days of taking office, or within 28 days of any change to your register of interests, of any interests which fall within the categories set out in the Code of Conduct, outlined below.

You need to register your interests so that the public, authority staff and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest.

The register also protects you. You are responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public

know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

As previously mentioned, you must tell your monitoring officer in writing within 28 days of taking office, or within 28 days of any change to your register of interests, of any interests which fall within the categories set out in the Code of Conduct. These categories include:

- Your membership or position of control or management in:
  - any other bodies to which you were appointed or nominated by the authority
  - any bodies **exercising functions of a public nature** (described below), or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party or trade union
- Your job(s) or business(es).
- The name of your employer or people who have appointed you to work for them.
- The name of any person who has made a payment to you in respect of your election, or expenses you have incurred in carrying out your duties.
- The name of any person, company or other body which has a place of business or land in the authority's area, and in which you have a shareholding of more than £25,000 (nominal value) or have a stake of more than 1/100th of the share capital of the company.
- Any contracts between the authority and yourself, your firm (if you are a partner) or a company (if you are a paid director or if you have a shareholding as described above) including any lease, licence from the authority and any contracts for goods, services or works. Where the contract relates to use of land or a property, the land must be identified on the register.
- Any gift or hospitality over the value of £25 that you receive as a member and the person you believe to be the source of the gift or hospitality.
- Any land and property in the authority's area in which you have a beneficial interest (or a licence to occupy for more than 28 days) including, but not limited to, the land and house you live in and any allotments you own or use.

If you have sensitive employment, which you would like to withhold from the register of interests, please see page 31 for more information.

### What is “a body exercising functions of a public nature”?

The phrase “a body exercising functions of a public nature” has been subject to broad interpretation by the courts for a variety of different purposes. Although it is not possible to produce a definitive list of such bodies, here are some of the criteria to consider when deciding whether or not a body meets that definition:

- Does that body carry out a public service?
- Is the body taking the place of local or central government in carrying out the function?
- Is the body (including one outsourced in the private sector) exercising a function delegated to it by a public authority?
- Is the function exercised under legislation or according to some statutory power?
- Can the body be judicially reviewed?

Unless you answer ‘yes’ to one of the above questions, it is unlikely that the body in your case is exercising functions of a public nature.

Examples of bodies included in this definition: regional and local development agencies, other government agencies, other councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

If you need further information or specific advice on this matter, please contact your monitoring officer.

### b) Interests that are not on your register

#### Key points:

You have a personal interest in a matter if that matter affects the **well-being or financial position** of you, members of your **family**, or people with whom you have a **close association**, more than it would affect the majority of people in the **ward or electoral division** affected by the decision, or in the authority’s area or constituency.

You must also look at how any matter would affect your interests or those of members of your family or close associates. This includes:

- your and their jobs and businesses
- your and their employers, firms you or they are a partner of, and companies you or they are a director of
- any person or body who has appointed you, members of your family or close associates, to any position
- corporate bodies in which you or they have a shareholding of more than £25,000 (nominal value)

### **What does “affecting well-being or financial position” mean?**

The term ‘well-being’ can be described as a condition of contentedness and happiness. Anything that could affect your quality of life, either positively or negatively, is likely to affect your well-being.

A personal interest can affect you, your family or close personal associates positively and negatively. So if you or they have the potential to gain or lose from a matter under consideration, a personal interest would need to be declared in both situations.

### **Who is a member of your family or close associate?**

A member of your family should be given a very wide meaning. It includes a partner (someone you are married to, your civil partner, or someone you live with in a similar capacity), a parent, a parent-in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people.

A person with whom you have a close association is someone that you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts.

### **What if I belong to an authority without wards?**

If you are a member of an authority that does not have wards, you will need to declare a personal interest whenever you consider a matter in a meeting of your authority if it affects the well-being or financial position of you, your family, or

people with whom you have a close association, more than it would affect other people in your authority's area.

**What if I am not aware of my personal interest?**

Your obligation to disclose a personal interest to a meeting only applies when you are aware of or ought to be aware of the existence of the personal interest.

Clearly you cannot be expected to declare something of which you are unaware. It would be impractical to expect you to research into the employment, business interests and other activities of all your close associates and relatives. However, you should not ignore the existence of interests which, from the point of view of a reasonable and objective observer, you should have been aware.



## Prejudicial interests

### 1. What is a prejudicial interest?

#### Key points:

Your personal interest will also be a **prejudicial interest** in a matter if all of the following conditions are met:

- a) The matter does not fall within one of the **exempt categories** of decisions.
- b) The matter affects **your financial interests** or relates to a **licensing or regulatory matter**.
- c) A member of the public, who knows the relevant facts, would **reasonably think your personal interest is so significant** that it is likely to prejudice your judgement of the public interest.

An explanation of each of these points follows.

#### a) Exempt categories of decisions

Paragraph 10(2)(c) of the Code of Conduct states that a member will not have a prejudicial interest if the matter relates to any of the following functions of their authority:

- Housing: if you hold a tenancy or lease with the authority, as long as the matter does not relate to your particular tenancy or lease.
- School meals or school transport and travelling expenses: if you are a parent or guardian of a child in full-time education or you are a parent governor, unless it relates particularly to the school your child attends.
- Statutory sick pay: if you are receiving this, or are entitled to this.
- An allowance, payment or indemnity for members.
- Any ceremonial honour given to members.
- Setting council tax or a precept.

## b) Financial interests and licensing or regulatory matters

You can only have a prejudicial interest in a matter if it falls into one of the following two categories:

- a) The matter affects your financial position or the financial position of any person or body through whom you have a personal interest.

**Examples:** an application for grant-funding to a body on your register of interests; a contract for services between the authority and that body; or leasing a property to or from a close associate or member of your family. Your financial position can be affected directly or indirectly, favourably or unfavourably, substantially or marginally.

- b) The matter relates to an approval, consent, licence, permission or registration that affects you or any person or body with which you have a personal interest.

**Examples:** considering a planning or licensing application made by you or a body on your register of interests; Licensing Act licences; pet shop and dog breeding licensing; petroleum licences; street trading licences; taxi

licensing; consent, approval or permission pursuant to a contractual document such as a lease or commercial contract; street collection permit; or lottery registration.

## c) What is so significant that it is likely to prejudice your judgement?

If a reasonable member of the public with knowledge of all the relevant facts would think that your judgement of the public interest might be prejudiced, then you have a prejudicial interest.

You must ask yourself whether a member of the public – if he or she knew all the relevant facts – would think that your personal interest was so significant that it would be likely to prejudice your judgement. In other words, the interest must be perceived as likely to harm or impair your ability to judge the public interest.

The mere existence of local knowledge, or connections within the local community, will not normally be sufficient to meet the test. There must be some factor that might positively harm your ability to judge the public interest objectively. The nature of the matter is also important, including whether a large number of people are equally affected by it or whether you or a smaller group are particularly affected.

Some general principles must be remembered when applying this test. You should clearly act in the public interest and not in the interests of family or close associates. You are a custodian of the public purse and the public interest and your behaviour and decisions should reflect this responsibility.

**Example:** you would have a prejudicial interest in a planning application proposal if a member of your family lives next to the proposed site. This is because your family member would be likely to be affected by the application to a greater extent than the majority of the inhabitants of the ward affected by the decision (or authority, if your authority does not have wards) and this gives you a personal interest in the issue. The existence of the close family tie means a reasonable member of the public might think that it would prejudice your view of the public interest when considering the planning application. It does not matter whether it actually would or not.

## 2. What to do when you have a prejudicial interest

Even where you have a prejudicial interest, the Code of Conduct supports your role as a community advocate and enables you in certain circumstances to represent your community and to speak on issues important to them and to you.

However, this right is not mandatory for certain types of authorities (including parish councils and police authorities). For such authorities it will only apply if paragraph 12(2) of the code is expressly adopted by your authority and the public are allowed to speak to meetings of your authority. Simply adopting the mandatory provisions will not incorporate this important change. See page 4 for a full list of authorities in this category.

### Key points:

If you have a **prejudicial interest** in a matter being discussed at a meeting, you must declare that you have a prejudicial interest and the nature of that interest as soon as that interest becomes apparent to you.

You should then leave the room, **unless members of the public are allowed to make representations, give evidence or answer questions about the matter**, by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose.

However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe the vote on the matter.

In addition, you must not seek to **improperly influence** a decision in which you have a prejudicial interest. This rule is similar to your general obligation not to use your position as a member improperly to your or someone else's advantage or disadvantage.

### Do I have a statutory right to speak to the meeting?

The Code of Conduct does not provide you with a general right to speak to a meeting where you have a prejudicial interest. However, in limited circumstances, legislation may provide you with a right to speak (for example, licensing hearings and standards hearings) which the Code of Conduct recognises. If so, you will be allowed to exercise that right to speak. Your monitoring officer should be able to confirm whether this is relevant to your case.

### If I don't have a statutory right, will I be allowed to speak to the meeting?

The Code of Conduct aims to provide members with the same rights as ordinary members of the public to speak on certain matters in meetings, despite having a prejudicial interest. These rights are usually governed by your authority's constitution, procedure rules or standing orders, and may be subject to conditions including time limits or the fact that representations can only be made in writing.

If an ordinary member of the public would be allowed to speak to a meeting about an item, you should be provided with the same opportunity. You will be able to make representations, answer questions or give evidence, even if you have a prejudicial

interest in the item. You may not take part in the discussion or observe the vote.

### **When must I leave the room where the meeting is held?**

You must leave immediately after you have made your representations, given evidence or answered questions, and before any debate starts.

If the meeting decides that you should finish speaking, despite your intention to say more, you must comply with the meeting's decision. Although members of the public may be allowed to observe the discussion and vote on the matter, you are not allowed to do so and must leave the room immediately. Failure to do so may be viewed as an attempt to **improperly influence** the meeting.

### **What does improperly influencing a decision mean?**

You must not use your position or attempt to use your position improperly to further your own interests in a way that is not open to ordinary members of the public. Clear examples of improper influence would be using coercion, harassment, inducement or pressure to influence a matter.

It may also be improper if you refuse to leave the meeting, or continue to speak to a

meeting, on a matter in which you have a prejudicial interest, after the meeting has decided that you must stop speaking and leave.

### **What if the public are not allowed to speak to the meeting on the matter?**

If an ordinary member of the public is not allowed to speak on the matter, you cannot do so if you have a prejudicial interest. You must leave the room where the debate is being held and not seek to influence the debate in any way.

This may be the case, for example, where your authority is discussing a confidential matter in closed session or does not have procedure rules or standing orders in place that allow members of the public to speak at a meeting of your authority. Like the public, you are not allowed to participate if you have a prejudicial interest. However, where the public may be allowed to sit in the public gallery to observe the meeting, you will be required to leave the room during the debate and vote.

### **If I have a prejudicial interest, how else can I influence the decision?**

You can still present your views to the meeting through other means and influence the decision in a way that is not improper. For example, you can:

- Make written representations in your private capacity. The Standards Board recommends that the existence and nature of the interest should be disclosed in such representations. You should not seek preferential consideration for your representations. Such written representations should be addressed to officers rather than other members of the authority.
- Use a professional representative to make, for example, a planning application on your behalf.
- Arrange for another member of your authority to represent the views of your constituents on matters in which you have a prejudicial interest.

### 3. Dispensations

#### **If I have a prejudicial interest, can I obtain a dispensation to allow me to take part in the meeting?**

##### **Key points:**

You can apply in writing to your local standards committee for a dispensation on one of the following grounds:

- over 50 per cent of the authority or committee members would be prevented from taking a full part in a meeting because of prejudicial interests
- the political balance at the meeting would be upset<sup>1</sup>

You must apply for a dispensation individually and not as a group or authority. If the standards committee approves your application, it must grant the dispensation in writing and before the meeting is held. If you need a dispensation, you should apply for one as soon as is reasonably possible.

Only the standards committee can grant the dispensation and will do so at its discretion. The standards committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of members of the authority. If failure to grant a dispensation will result in an authority or committee not achieving a quorum, this may well constitute grounds for granting a dispensation.

The Standards Board cannot grant dispensations or advise on whether or not they should be granted. For further advice on dispensations, you should contact your monitoring officer.

<sup>1</sup> Please note there is currently a problem with the drafting of the Dispensation Regulations. The political balance criterion is linked to an authority being unable to comply with its duty under section 15(4) of the *Local Government and Housing Act 1989*. This duty requires the appointment of committees that reflect the overall political balance of an authority. However, the duty does not arise in relation to individual meetings either of the authority or its committees. For this reason it is difficult to envisage circumstances in which the criterion would be met. Until such time as the appropriate amendments are made to the Regulations it is not likely that dispensations would be granted on the basis of the political balance criterion.

# 4.

## Special categories of interests

### 1. Gifts and hospitality

#### Key points:

You must register any gifts or hospitality **worth £25 or over** that you receive **in connection with your official duties as a member**, and the source of the gift or hospitality.

You must register the gift or hospitality and its source within 28 days of receiving it.

Like other interests in your register of interests, you automatically have a **personal interest** in a matter under consideration if it is likely to affect a person who gave you a gift or hospitality that is registered. If that is the case, you must declare the existence and nature of the gift or hospitality, the person who gave it to you, how the business under consideration relates to that person and then decide whether that interest is also a **prejudicial interest**.

Once three years have passed since you registered the gift or hospitality in your register of interests, your obligation to disclose that interest to any relevant meeting ceases.

#### Is the gift or hospitality connected to my official duties as a member?

You should ask yourself, would I have been given this if I was not on the council? If you are in doubt as to the motive behind a gift or hospitality, we recommend that you register it or speak to your monitoring officer or your parish clerk where appropriate.

You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position or if your authority requires you to.

#### What if I do not know the value of a gift or hospitality?

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life.

You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to £25 or over should be registered.



## 2. Overview and scrutiny committee meetings

Please note: this section will not apply to parish and town councils, English and Welsh police authorities, fire and rescue authorities (including fire and civil defence authorities), the London Fire and Emergency Planning Authority, passenger transport authorities, the Broads Authority, national park authorities and the Greater London Authority.

You have a prejudicial interest in any business before an overview and scrutiny committee or sub-committee meeting where both of the following requirements are met:

- 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.
- You were a member of that decision-making body at that time and you were present at the time the decision was made or action taken.

If the overview and scrutiny committee is checking a decision which you were involved in making you may be called to attend the meeting to give evidence or answer questions on the matter. However, you will not be able to attend the meeting in this manner unless your authority's

constitution or standing orders allow members of the public to attend the overview and scrutiny committee for the same purpose.

You will, however, be able to attend the meeting to give evidence or answer questions if you are a leader or cabinet member of an authority operating executive arrangements, provided you follow the normal rules for executive members who have personal and prejudicial interests.

## 3. Executive or cabinet roles

Please note: this section will not apply to parish and town councils, English and Welsh police authorities, fire and rescue authorities (including fire and civil defence authorities), the London Fire and Emergency Planning Authority, passenger transport authorities, the Broads Authority, national park authorities, the Greater London Authority or any other authorities that do not have executive arrangements.

If you are a leader or cabinet member of an authority operating executive arrangements, you must follow the normal rules for executive members who have personal and prejudicial interests.

If your interest is personal but not prejudicial, you can advise the executive on the issue and take part in executive discussions and decisions as long as you declare your interest. You can also exercise

delegated powers in the matter as long as you record the existence and nature of your personal interest.

If you are an executive member who can take individual decisions, and you have a prejudicial interest in a decision, your authority may make other arrangements as set out in sections 14-16 of the *Local Government Act 2000*. This means that the decision can be taken by an officer, another cabinet member, the full executive, or a committee of the executive.

Although you have a prejudicial interest in a matter, you may be able to make representations, answer questions and give evidence as long as a member of the public would have the same rights, but you are barred from decision-making about that matter individually or in cabinet. You also should not participate in any early consideration of it, or exercise any delegated powers in relation to it. If you have delegated powers in that area, you should refer the consideration and any decisions on the matter to the cabinet to avoid the perception of improper influence.

## 4. Sensitive information

### Key points:

You may be exempt from having to include sensitive information on your register of interests. If your personal interest in a matter under discussion at a meeting is sensitive information, you will need to declare that you have a personal interest but you will not have to give any details about the nature of that interest.

Sensitive information may include your sensitive employment (such as certain scientific research or the Special Forces) or other interests that are likely to create a serious risk of violence or intimidation against you or someone who lives with you.

You should provide this information to your monitoring officer and explain your concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that you or a person who lives with you will be subjected to violence or intimidation. You do not need to include this information in your register of interests, if your monitoring officer agrees. Ultimately, you must decide what information to include on your publicly available register of interests.

## How to contact us:

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Fourth Floor  
Griffin House  
40 Lever Street  
Manchester M1 1BB

[www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)

For enquiries about the Code of Conduct, please contact:

Enquiries line: 0845 078 8181  
[enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk)

For further copies of this publication, please contact:  
[publications@standardsboard.gov.uk](mailto:publications@standardsboard.gov.uk)



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## STANDARDS COMMITTEE

19<sup>TH</sup> JUNE 2007



**Report of:** Chief Solicitor

**Subject:** First Local Sieve (update)

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### 1. PURPOSE OF REPORT

The purpose of this report is invite members to give further consideration to the effect on the business of the Standards Committee of provisions of the Local Government and Public Involvement in Health Bill which is currently before Parliament.

### 2. BACKGROUND

Clause 186 of the bill inserts new sections 57A and 57B into the Local Government Act 2000. The effect of the new clauses is –

- Complaints will be directed to the Standards Committee, rather than the Standards Board
- The Standards Committee are to make an initial assessment (informally being referred to a 'a first sieve') of complaints and to decide whether
  1. To take no action
  2. To refer the complaint to the Monitoring Officer, or
  3. To refer the complaint to the Standards Board
- The Standards Committee will be required to review a decision to take no action upon request by the complainant

The purpose of these provisions is to provide a filter to get rid of complaints that should be seen from the outset as factually erroneous, trivial, vexatious or purely politically motivated and to ensure that a Standards Committee deals locally with all but the most serious cases, which would be referred to the Standards Board.

A consequence of these provisions is that the Standards Committee will have a more direct and regular involvement in complaints than has been the case up to date. It will be recognised by members that there has not yet been a case where a complaint to the Standards Board has been referred for

local investigation or local determination or to the Adjudication Panel. Accordingly, the burden of the complaints procedures has not been felt by the committee. However, when the provisions of the bill are brought into force (anticipated to be May 2008), the committee will have an immediate involvement in every complaint of breach of the Code of Conduct. There will also be a potential further process for review of a decision to take no action.

As well as involving the committee in all complaints, the provisions for review are such that arrangements will have to be made to avoid conflicts arising. This will necessitate -

- the first sieve being undertaken by a limited group,
- a review to be undertaken by a different group and, if the matter proceeds to a determination,
- a final hearing by a different group again.

Each group will require to include an independent member of the committee (who will be required to act as chairman).

#### **4. CONCLUSION**

Despite the fact that the level of complaints made against Hartlepool members is commendably low, the workload for the committee will inevitably increase by reference to the additional responsibilities described in para 3 above. The necessity to be able to field 3 different decision making groups will also impact on the committee. Effectively acting as sub-committees, they will have to have the ability to meet on an ad hoc basis when complaints are received rather than on a cyclical basis.

#### **5. RECOMMENDATIONS**

That the committee considers the implications of the proposed legislation with a view to developing a strategy for implementation when the new provisions come into force.

# THE BULLETIN #33

**May 2007**

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## **Contact**

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[www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)  
email: [bulletin@standardsboard.gov.uk](mailto:bulletin@standardsboard.gov.uk)

## **Welcome to Issue 33 of the Bulletin.**

The new Code of Conduct has now come into force and we would urge authorities to adopt it at the earliest opportunity. The Standards Board for England welcomes this new Code, which addresses issues that emerged during the consultation process. We believe that it is now clearer and simpler to understand and that it will allow members to properly represent their constituents on matters that concern them.

Standards committees have a responsibility for ensuring that members within their area receive appropriate training on the new Code, so that they fully understand their obligations. This is an important function for them and an opportunity for authorities to demonstrate their commitment to high standards of probity and governance.

The Standards Board has published comprehensive guidance on the new Code on our website at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)

Monitoring officers will also receive hard copies of the guidance soon. We will be producing a range of training materials, available from our website shortly, and a DVD which will be distributed in July.

The forthcoming roadshows being held around the country in June will provide an opportunity for us to find out your early views on the new Code and emerging themes. If you have not already booked your place on these roadshows, I would encourage you to do so soon as places are being filled quickly. Please visit our website or email [roadshow2007@standardsboard.gov.uk](mailto:roadshow2007@standardsboard.gov.uk) for further details.

**David Prince**  
**Chief Executive**



**Standards Board**  
for England

Confidence in local democracy



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## The new Code of Conduct

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The revised Model Code of Conduct came into force on 3 May 2007. Authorities have until 1 October 2007 to adopt the Code formally. If an authority fails to adopt the Code before that date, the mandatory provisions of the Code will apply until the authority adopts its own Code.

There are a number of major changes to the Code and these are summarised below:

- The definition of a **personal interest** has been relaxed. Interests that are shared with most people in the ward or electoral division affected by the decision will not have to be declared. However, the definition will not change for many parishes or other authorities that do not have wards or electoral divisions.
- **Dual-hatted members** and those members appointed or nominated by the authority to outside bodies will also benefit from changes to the rules regarding declaration of interests. Where a matter that affects the other body is being discussed at a meeting of the authority, these members will not be required to declare that they have a personal interest in the matter before they vote, unless they wish to speak on the matter or where the personal interest is also a prejudicial interest.
- **Prejudicial interests** now only arise if a matter affects a member, their family, or their close associates in the following ways:
  - it relates to their finances or
  - it concerns regulatory functions such as licensing or planning which affect them
  - and a reasonable member of the public with knowledge of the facts
- **Gifts or hospitality** over the value of £25 must now be included in the member's register of interests. This means that a personal interest must be declared at any meeting where a matter relating to that interest is discussed.
- The **unlawful discrimination provision** has been replaced by a duty not to do anything that may cause the authority to breach its statutory duties under equality laws (including anti-discrimination laws). As a result, discriminatory behaviour can now be dealt with through the Code.
- A new provision makes it clear that **bullying** is prohibited by the Code.
- Another new provision states that members must not **intimidate or attempt to intimidate** anyone involved in an investigation, such as a complainant, a witness or an officer involved in the conduct of an investigation.
- The Code does not incorporate the **Ten General Principles of Public Life** but

would believe their ability to judge the public interest would be impaired.

Even where members have a prejudicial interest, the Code supports their role as a community advocate and enables them, in certain circumstances, to represent the community and to speak on issues important to it and to the member. Paragraph 12(2) of the Code gives members with a prejudicial interest in a matter the same rights as members of the public to speak to a meeting on the matter. However, once they have done so, the member must immediately leave the meeting room, as currently required, and cannot remain in the public gallery to observe the vote on the matter.

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members are required to read the Code together with these general principles. Although members are not legally obliged to observe the principles, a failure to follow them may indicate behaviour that could potentially breach the Code.

- Subject to the enactment of the Local Government and Public Involvement in Health Bill, the Code will apply where **criminal activity** has been committed in a private capacity, but not in relation to other conduct which solely concerns a member's private life.
- The ban on **disclosing confidential information** has been relaxed to allow disclosure of confidential information where:
  - the disclosure is made to a third party for the purpose of obtaining professional advice (provided that person agrees not to disclose it)
  - the disclosure is reasonable and in the public interest, made in good faith, and does not breach the reasonable requirements of the authority

The Standards Board's comprehensive guidance on the new Code of Conduct is available on our website at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)

We will be sending printed copies of the guidance to all monitoring officers and parish clerks soon.

### **Adopting and amending the new Code of Conduct**

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The new Code of Conduct applies to the same range of authorities covered by the existing Code. However, only one composite Code has been made for different types of authorities. As a result, some paragraphs are

not mandatory for your authority, and particular wording within mandatory paragraphs may not be relevant to your authority. For example, some paragraphs refer specifically to executive arrangements and overview and scrutiny which parishes do not have, while other paragraphs expressly apply only to the Greater London Authority or Metropolitan Police Authority.

Councils may adopt a version of the Model Code that excludes non-mandatory provisions or wording that is not relevant to the particular authority, so long as it is consistent with the application of the mandatory provisions to that relevant authority. To avoid confusion and ensure consistency, we recommend that any amendments do not affect the subsequent numbering of paragraphs. To assist parish and town councils, we have prepared a 'Model Code of Conduct for Parish and Town Councils' which is available from our website.

If your authority simply adopts the Model Code, this means that it does not adopt the non-mandatory paragraphs for that authority. For example, paragraph 12(2) is not mandatory for parish and town councils, English and Welsh police authorities, the Greater London Authority, national park authorities, and fire and rescue authorities. Therefore, if these types of authorities wish to adopt paragraph 12(2), they will need to do so expressly. See also the article on page 4 *Special advice for parish and town councils adopting the new Code of Conduct*.

### **Advertising the new Model Code**

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As soon as your authority has adopted a revised Code of Conduct, it must send notification to the Standards Board and make copies available for inspection by the public. It must also publish a notice in a local newspaper, stating that the council has adopted a revised Code. The authority can also publish the notice in its own newspaper, if it has one, but this cannot be the only notice that is published.

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This duty to publish a notice will again be relevant when the Model Code comes into effect. When the previous Code was introduced, some unitary and district councils organised combined notices for councils in their area. This can save money, especially where there are a large number of parish councils.

To enable a monitoring officer to coordinate a combined notice, parish clerks will need to ensure their councils adopt the revised Code quickly and confirm to the monitoring officer where copies of the Code can be inspected within the parish. This information can then be fed into the notice published in the newspaper.

If you are a local authority, the easiest way to notify the Standards Board of your adoption of the Code is to send an email to Kimberley Connell in our Policy and Guidance team at [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk).

### **Special advice for parish and town councils adopting the new Code of Conduct**

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Parish and town councils can maximise their ability to exercise democratic rights under the new Code of Conduct by taking certain actions.

A new paragraph 12(2) gives elected members with a prejudicial interest the same rights as members of the public to speak to a meeting on the issue, but then leave before the main discussion and vote. This part of the revised Code does not automatically apply to parish and town councils.

It is not enough, therefore, for parishes to simply adopt the Model Code “as applicable to parish councils” – paragraph 12(2) is not mandatory for parishes. In order to take advantage of the amendment, parish councils will need to pass a resolution adopting the Model Code of Conduct including paragraph 12(2).

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Each parish and town council wanting to take advantage of this provision should notify the Standards Board of the resolution passed and the date on which it was passed. This information can be sent electronically to Kimberley Connell in our Policy and Guidance team at [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk).

We recommend: “to adopt the Model Code of Conduct for Members including paragraph 12(2), effective [insert ‘immediately’ or ‘specific date’]”.

The Standards Board also recommends that parishes should consider having standing orders in place to allow members of the public to attend meetings of the authority for the purpose of making representations, giving evidence or answering questions.

The revised Code gives councillors the same rights to speak as members of the public, but if an authority’s standing orders or procedural rules do not provide members of the public with these rights, or if an authority has no standing orders in place at all, paragraph 12(2) will have no effect.

This means that councillors with a prejudicial interest would have to leave a meeting after declaring the nature and extent of their interest, just as they have had to under the old Code of Conduct. They will not be able to take advantage of the freedom offered by the new Code to allow members with a prejudicial interest to speak in certain circumstances.

The Standards Board has prepared a ‘Model Code for Parish and Town Councils’ which is available from our website. It has been created to assist parish and town councils in adopting the relevant mandatory paragraphs and the ‘voluntary’ paragraph 12(2), while excluding paragraphs that are not relevant to parishes.

We urge monitoring officers to bring the above information to the attention of parish clerks.

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## Local investigations – update

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There has been positive feedback to a number of changes to our criteria for referring investigations back to monitoring officers for local investigation:

- We now retain complaints for investigations where the allegation, if proven, would undoubtedly warrant the Adjudication Panel for England's penalties.
- We assess allegations against executive members on a case-by-case basis to decide if they should be investigated locally, and do not automatically retain such cases.
- We do not normally retain cases where a monitoring officer has a conflict of interest. We assume that an investigation can be delegated, outsourced or undertaken by a monitoring officer from another authority, but ethical standards officers exercise their discretion, especially in relation to monitoring officers from smaller authorities.

The Standards Board now has a local investigations co-ordinator who liaises with monitoring officers and other parties about the allocation and monitoring of local investigations. They can be contacted at [local.investigationenquiries@standardsboard.gov.uk](mailto:local.investigationenquiries@standardsboard.gov.uk) or on 0161 817 5372

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## Research findings

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Thank you to those who returned questionnaires on the research undertaken by BMG Research entitled 'Study into the operation and role of standards committees within local authorities'. This research has now been completed and the full report can be found on our website at:

[www.standardsboard.gov.uk/Aboutus/Research](http://www.standardsboard.gov.uk/Aboutus/Research)

The research is a survey of monitoring

officers and standards committees and has increased our understanding of your activities, the resources available to you, the challenges you face and the support you may need in the future.

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## Delegates quick to sign up to roadshows

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Bookings for the summer roadshow events have been flooding in over the past month, with several venues nearly fully booked. The London event on 28 June has proved so popular that a second roadshow will be run in the morning at 10.00am, in addition to the one taking place in the afternoon.

There are still some places available for the roadshows, which are taking place at 11 venues across the country and are aimed at monitoring officers and standards committee members. For further details on when and where visit:

[www.standardsboard.gov.uk/Events](http://www.standardsboard.gov.uk/Events)

To book a place on the earlier London roadshow or any of the other events please contact our event managers, Benedict Business Resources, on 01483 205 432 or email [roadshow2007@standardsboard.gov.uk](mailto:roadshow2007@standardsboard.gov.uk)

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## Annual Assembly – Down to detail: Making local regulation work

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We have already received a significant number of bookings for the Sixth Annual Assembly of Standards Committees in October, with over 400 delegates signed up to attend.

Phil Woolas MP, Minister for Local Government and Community Cohesion, will open the conference by outlining how to meet the challenges of the local filter system and the revised Code of Conduct. He will also set out the government's focus for the future.

There will be over 25 sessions covering issues such as the process and practice of managing the local filter, and a focus on

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helping delegates to develop the skills and knowledge they need to deliver high standards of effective local governance.

Several sessions will address vital issues linked to managing the wider impact of the local filter and the revised Code. These will include training and hands-on workshops to help delegates focus on raising their authorities' standards to an even higher level. There will also be sessions on how to improve communication with stakeholders and confidently deliver effective local regulation.

An advanced copy of the conference programme is available at [www.annualassembly.co.uk/Programme/](http://www.annualassembly.co.uk/Programme/)

To book a place at the conference please contact our event managers, Benedict Business Resources, on 01483 205 432 or email [annualassembly2007@standardsboard.gov.uk](mailto:annualassembly2007@standardsboard.gov.uk)

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### Relocation and new contact details

The Standards Board has completed the key stage of our relocation from our offices in London to our new premises in Manchester. Our new details can be found below:

Fourth Floor  
Griffin House  
40 Lever Street  
Manchester M1 1BB

Telephone: 0161 817 5300 (main switchboard)  
Facsimile: 0161 817 5499

Web address: [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)

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### New director of casework and head of legal services

We are pleased to announce that two new heads of department have been appointed to oversee our Investigations and Legal Services teams.

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**Hazel Salisbury** was appointed as the new director of casework in February.

Hazel brings with her a wealth of professional experience and a strong background in local government. She was admitted as a solicitor in 1987, and was later head of legal services and monitoring officer for Nottinghamshire County Council. Hazel also spent two years on secondment as monitoring officer at Lincolnshire County Council

Most recently, Hazel worked as a consultant in a private practice, providing member and monitoring officer training for local authorities.

**Sara Goodwin** took up the position of head of legal services earlier this month.

Sara was a lecturer in law at Leeds Metropolitan University for two years. She spent 12 years in the local government sector and is a former head of legal services and monitoring officer.

Most recently Sara worked as a consultant for SOLACE (the Society of Local Authority Chief Executives) providing support and monitoring officer training for local authorities.

Sir Anthony Holland, chair of the Standards Board said:

"We welcome both Hazel and Sara to the organisation. The Standards Board will benefit from the experience and knowledge that they have both have gathered over the many years they have spent working closely with local government. They will have an important role to play in establishing the new teams in Manchester and meeting the challenges ahead."

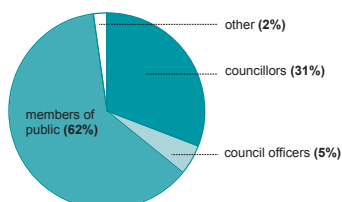


## Referral and investigation statistics

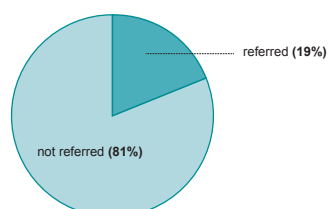
The Standards Board for England received 3549 allegations between 1 April 2006 and 31 March 2007, compared to 3836 during the same period in 2005/2006.

The following charts show referral and investigation statistics during the above dates.

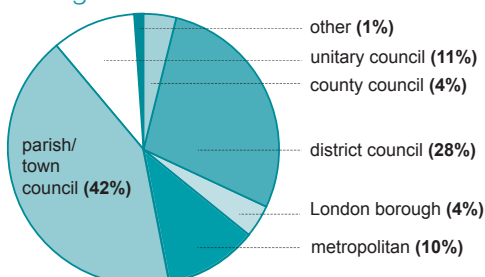
### Source of allegations received



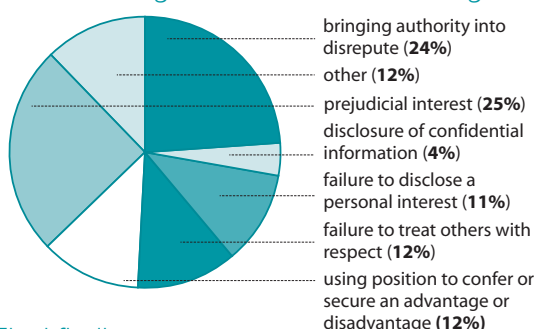
### Allegations referred for investigation



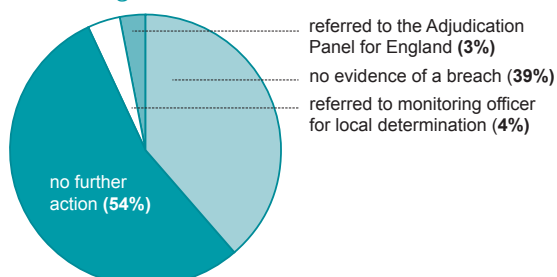
### Authority of subject member in allegations referred for investigation



### Nature of allegations referred for investigation



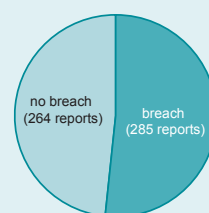
### Final findings



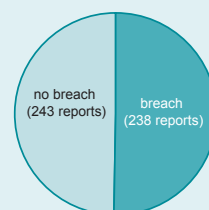
## Local investigation statistics

Of all cases referred since April 2006 for local investigation we have received a total of 546 reports — please see below for a statistical breakdown of these cases. (NB: for the period 1 April - 31 March 2007, ethical standards officers referred 347 cases for local investigation — equivalent to 55% of all cases referred for investigation. Since 1 April 2006 there have been 18 appeals to the Adjudication Panel for England following standards committee hearings.)

### Monitoring officers' recommendations following local investigations



### Standards Committee hearings



### Standards committee determinations

