

STANDARDS COMMITTEE AGENDA



Tuesday 7 February 2012

at 4.00 pm

in Committee Room C, Civic Centre, Hartlepool

MEMBERS: STANDARDS COMMITTEE:

Councillors Barclay, Fleet, Griffin, Morris, Preece, Shaw and Sutheran.

Co-opted Members: B Footitt, B Gray, T Jackson and Reverend John Lund.

Parish Councillors: A Bell, Hart Parish Council, R Musgrave, Elwick Parish Council and 1 vacancy.

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 13 December 2011 at 3.00 pm
- 3.2 To confirm the minutes of the meeting held on 13 December 2011 at 4.00 pm
(to follow)

4. ITEM FOR DECISION / INFORMATION

- 4.1 Business Report – *Chief Solicitor and Monitoring Officer*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

STANDARDS COMMITTEE

MINUTES AND DECISION RECORD

13 December 2011

The meeting commenced at 3.00 pm in the Civic Centre, Hartlepool

Present:

John Lund Independent Member (In the Chair)

Councillors Griffin, Dr Morris, Preece, Shaw and Sutheran

Parish Councillor Representative, Alan Bell

Also Present:

Angela Bailey, Assistant Ombudsman, Local Government
Ombudsman's Office

Officers: Peter Devlin, Chief Solicitor and Monitoring Officer
David Hunt, Strategy and Performance Officer
Denise Wimpenny, Principal Democratic Services Officer

23. Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Barclay Fleet, Independent Members, Ted Jackson, Professor Footitt and Elwick Parish Council Representative, Ruth Musgrave.

24. Declarations of interest by members

None

25. Confirmation of the minutes of the meeting held on 22 November 2011

Confirmed.

26. The Local Government Ombudsman's Annual Review 2010/11 and Visit to Hartlepool Borough Council *(Chief Solicitor)*

On 9 August 2011 Members were presented with a copy of the Annual Review of the Local Government Ombudsman 2010/11 for Hartlepool Borough Council. The Review letter, attached at Appendix 1, provided an

annual summary of complaint statistics which had been dealt with by the Ombudsman's Office over the period in question.

The Chair welcomed the representative from the Ombudsman's Office who had been invited to the meeting to comment on the Annual Review, the authority's performance together with any aspects of the role of the Ombudsman.

Independent Member, Barry Gray joined the meeting

Barry Gray took the Chair and John Lund vacated the Chair

The Assistant Ombudsman provided a detailed and comprehensive presentation which focussed on the following:-

- Role of the Ombudsman
- Background to the establishment of the Local Government Ombudsman
- Location of Ombudsman's Office
- Average of 18,000 complaints per year
- Level of complaints received by department/type
- Definition of maladministration
- Examples of maladministration/Injustice
- What cannot be investigated
- Recent changes
- Investigation process
- Putting things right
- How to complain
- Promoting good administrative practice

Following the conclusion of the presentation, the representative commented that the level of complaints from this authority was low, response times for complaints were very good and wished to see the standards of performance maintained.

In response to a Member query as to what action could be taken in the event that the local authority did not agree with the Ombudsman's findings, Members were advised of the option to seek a judicial review.

The Chair thanked the Assistant Ombudsman for an informative presentation.

Decision

That the contents of the report and the comments of the representative from the Ombudsman's Office, be noted.

27. **Business Report – The Localism Act 2011** *(Chief Solicitor)*

The Chief Solicitor referred to previous reports submitted to this Committee in respect of the implications contained within the then Localism Bill which was proceeding through Parliament. The Localism Act 2011 received Royal Assent on 15 November 2011 and it was anticipated that the legislation would take effect from April 2012. Details of the salient parts of the legislation were included in the report in terms of the following:-

- the abolition of the Standards Board regime
- a new general duty to promote and maintain high standards of conduct
- the adoption of a Code which must be consistent with a new set of general principles
- a new definition (through Regulations) of disclosable pecuniary interests
- introduction of a criminal offence of failing to notify and disclose such an interest without reasonable excuse
- an authority must have in place “arrangements” under which allegations of a breach of the Code can be investigated or through which decisions on allegations can be taken, with or without an investigation or hearing. However, there would be no sanctions other than censure and the possibility of withdrawal of facilities in some cases.
- authorities must appoint an Independent Person who is to be consulted in relation to investigations and may be consulted on other complaints. Principal authorities would operate these arrangements on behalf of a Parish Council. However, regulations were awaited in relation to transitional arrangements.

Members were advised that whilst it was intended the legislation would take effect from April 2012, regulations together with transitional arrangements were awaited. The Chief Solicitor referred to a recent e-mail which had been received from the Standards Board since the submission of this report, outlining the anticipated arrangements following the abolition of Standards for England, a copy of which was tabled at the meeting. The e-mail confirmed that the government had recently clarified the timetable for the abolition in response to a parliamentary question from Lord Greaves. However, this was still subject to formal confirmation through regulations. It was anticipated that the regulatory role in handling cases on behalf of local Standards Committees and issuing guidance would cease from 31 January 2012.

The report set out the implications of the Localism Act which included the duty to promote and maintain high standards of conduct by Members and (voting) Co-opted Members. Some of the ‘General Principles’ were to be included in a new/revised Code and local authorities had the option to revise or replace its existing Code of Conduct. The Code would also reflect

the obligation to register and disclose certain interests. Arrangements for investigations as well as the obligation on the Monitoring Officer to assist Parish Councils to establish and maintain Register of Interests were also features of the legislation.

It was noted that a review of the Constitution was presently taking place which also took into account the likely implementation of the final recommendations of the Local Government Boundary Commission which had recommended a reduction in the number of Councillors from 47 to 33, further details of which were awaited.

Decision

That the contents of the report be noted.

28. Business Report – Upper Tribunal Decision MC –v- Standards Committee of the London Borough of Richmond *(Chief Solicitor)*

Members were referred to a case where the appellant had been adjudged by the Standards Hearing Sub-Committee to have breached paragraphs 3(1) (respect of others) and 3(2)(b) (bullying) of the code through their behaviour towards council officers in sending out certain e-mails and was suspended for a period of 28 days. The Subject Member appealed on the basis that he was not acting in his official capacity when he sent those e-mails. His appeal was dismissed by the First Tier Tribunal but was allowed by the Upper Tribunal and remitted back to the First Tier Tribunal for a continuation of the hearing. Members were referred to the comments of the judge in relation to this case, as set out in the report.

Communication had been received from the guidance and information team of Standards for England to all Monitoring Officers which suggested that this case could have serious implications for the interpretation of Members activity on blogs twitter and other internet sites. As such, the Standards for England had considered and revised their guide to blogging, a copy of which was attached at Appendix 1, which incorporated the commentary from the Judge that 'official capacity' should make reference to the conduct of the member that amounts to acting as a representative of the authority.

Decision

That the information given, be noted.

29. Any Other Exempt Items which the Chairman Considers are Urgent

The Chairman ruled that the following item of business should be

considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

30. Local Government (Access to Information) (Variation) Order 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in the paragraphs below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 31 [Request for Disclosure of Complainant Information] (Paragraph 1 namely information relating to any individual and Paragraph 7(c), information presented to a Standards Committee or a to a Sub-Committee of a Standards Committee, set up to consider any matter under Regulation 13 or 16 to 20 of the Standards Committee (England) Regulations, 2008, or referred under Section 58(1) (c) of the Local Government Act 2000).

31. Any Other Business – Request for Disclosure of Complainant Information

The Chief Solicitor referred to a recent request for disclosure of a complainant's details, further information of which was set out in the exempt section of the minutes.

Decision

The decision was set out in the exempt section of the minutes.

The meeting concluded at 4.10 pm.

CHAIR

STANDARDS COMMITTEE

MINUTES AND DECISION RECORD

13 December 2011

The meeting commenced at 4.10 pm in the Civic Centre, Hartlepool

Present:

Barry Gray, Independent Member (In the Chair)

John Lund, Independent Member

Councillors Griffin, Dr Morris, Preece, Shaw and Sutheran

Alan Bell, Parish Councillor Representative

Officers: Peter Devlin, Chief Solicitor and Monitoring Officer
Alyson Carman, Legal Services Manager and Deputy Monitoring Officer
Denise Wimpenny, Principal Democratic Services Officer

32. Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Barday, Fleet, Independent Members, Jackson, Professor Footitt and Parish Council Representative, Ruth Musgrave.

33. Declarations of interest by members

None.

34. Local Government (Access to Information) (Variation) Order 2006 *(Chief Solicitor and Monitoring Officer)*

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in the paragraphs below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 35 [Hearing of a Complaint] (Paragraph 1 namely information relating to any individual and Paragraph 7(c), information presented to a Standards Committee or a to a Sub-Committee of a Standards Committee, set up to consider any matter under Regulation 13 or 16 to 20 of the

Standards Committee (England) Regulations, 2008, or referred under Section 58(1) (c) of the Local Government Act 2000).

35. Hearing of a Complaint (*Chief Solicitor and Monitoring Officer*)

The Council's Solicitor and Monitoring Officer presented a report which provided the background and outcome to the investigation. Further details were included within the exempt section of the minutes.

Decision

The decision was set out in the exempt section of the minutes

The meeting concluded at 5.38 pm.

CHAIR

STANDARDS COMMITTEE

7th February 2012



Report of: Chief Solicitor and Monitoring Officer

Subject: BUSINESS REPORT

1. “THE STANDARDS BOARD REGIME”

- 1.1 On 17th January, 2012 correspondence was sent to Monitoring Officers from the Standards Board for England confirming that following the making of the relevant Commencement Order on 15th January, 2012, that the regulatory role of the Standards Board in handling cases on behalf of local authorities and issuing guidance would cease on 31st January, 2012. Any referrals or investigations which have been unable to be completed by this date will be referred back to the relevant authority for completion. However, any complaints which are currently being handled locally will still need to continue as will matters relating to completed investigations or appeals which have been referred to a First Tier Tribunal. It is expected that the Department for Communities and Local Government (DCLG) will make further provisions relating to such cases by way of transitional arrangements in due course.
- 1.2 The role of the Standards Board for England in providing guidance on the current standards framework will therefore cease from 31st January, 2012. It is further confirmed, that existing guidance and information will be removed from their website after this date. The resources of the Standards Board will be concentrated on the closure of that organisation which is expected to happen on 31st March, 2012. That said, the local assessment and determination of complaints under the present standards framework will continue until DCLG commence the new “arrangements” through the development of statutory provisions.
- 1.3 Although the communication from the Standards Board indicates that DCLG have yet to confirm when the other elements of the Localism Act, 2011, relating to standards (such as the removal of powers from existing local Standards Committee, a requirement to adopt a new local Code and the appointment of an Independent Member), will come into force, it was earlier intimated by DCLG that the “*new*” system was to effective from ‘*the start of the next municipal year*’. It now seems that a later date may apply, as the Association of Council Secretaries and Solicitors have received separate

communication from DCLG which indicates “we envisage that the remaining local element of the current regime, including statutory Standards Committees with the power to suspend Councillors, will be abolished on 1st July, 2012”. The communication from DCLG continues “all standards matters – including consideration and determination of outstanding complaints made during the period the Standards Board regime of operating – will be the responsibility of local authorities, to be handled under the new arrangements”.

2. THE LOCALISM ACT, 2011

2.1 The Localism Act received Royal Assent on 15th November, 2011. Certain provisions of this legislation are dependant upon formal Commencement Orders being made but to remind the Committee of the ethical standards contained within the Localism Act the following points are to be noted;

- The “Standards Board regime” and all current legislation will be formally repealed (see generally above);
- There will be a new general duty to promote and maintain high standards of conduct by Members and voting Co-opted Members of their local authority.
- Each “relevant authority” must adopt a Code which deals with the conduct expected of Members and voting Co-opted Members when acting in that capacity. Any Code of Conduct must be consistent with a set of general principles of selflessness, integrity and objectivity, accountability, openness, honesty and leadership. This replaces the old “general principles” which currently forms the preamble to the Council’s existing Code of Conduct. It is to be noted, that the principles of “personal judgement”, “duty to uphold the law”, “stewardship” and, significantly, “respect for others” will not be a mandatory requirement of the new Code of Conduct. The Code must also include provisions which the authority considers appropriate in respect of the registration of interests and the disclosure of “pecuniary interests” and in respect of interests other than pecuniary interests. A local authority may either revise its existing Code or adopt a new Code, which will be a decision for full Council.
- There will be no national Code as such, but appended herewith (**Appendix 1**) is a slightly revised draft of a Code which is currently being developed through the Association of Council Secretaries and Solicitors. However, this draft Code which is appended for the information and comment of the Committee is subject to change as Regulations are awaited, not least upon the definitions behind what will constitute a “pecuniary interest” that would require to be disclosed.
- Regulations are to define, “disclosable pecuniary interests” of Members and their spouses/partners. As before, the Monitoring Officer will keep

and publish a register of such interests. Again, the Monitoring Officer must assist Parish Councils in the maintenance of such registers of their Members interests. Sensitive information, can be withheld from a register providing the Monitoring Officer has sanctioned the same, if there would be a risk of violence or intimidation through the publication of such an interest.

- Members will have to make an oral disclosure at meetings if an interest has not been duly registered. A Member with an interest in a matter which requires disclosure (other than one which is considered as being sensitive) must not participate in the discussion of, or vote on, the matter at the meeting. Council Procedure Rules can be adopted which may required a Member to leave the meeting, in such circumstances.
- Significantly, it becomes a criminal offence to fail to notify the Monitoring Officer of an interest of this kind, or to participate in a meeting or to take a decision, without reasonable excuse. It will also be an offence to knowingly or recklessly provide false or misleading information. Only the DPP can authorise prosecutions and certain time limits apply. A Member guilty of an offence is liable on summary conviction to a fine not exceeding Level 5 on the standards scale (currently £5,000). A Court may also disqualify the Member from being or becoming a Member for a maximum of five years. As indicated, there are time stipulations in that proceedings must be brought within 12 months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutors knowledge. However, proceedings cannot be brought more than three years after the commission of the offence, or, for a continuous contravention, after the last date on which the offence was committed.
- Authorities must also have in place “arrangements” under which allegations of breach of the Code can be investigated and decisions on allegations can be taken, with or without an investigation or a hearing. This could, but need not, include some kind of Standards Committee. The Council’s Constitution Committee and General Purposes Committee, have formed a Task and Finish Group to look at a review of the Council’s Constitution and the new political arrangements following the recommendations of the Local Government Boundary Commission for England and initial indications is that the Task and Finish Group would wish to see a retention of a Standards Committee for Hartlepool Borough Council. However, (see below) there are no sanctions associated with these new “arrangements” apart from certain provisions, which have been the subject of recent Counsel’s advice received through the Association of Council Secretaries and Solicitors.
- Authorities must also appoint an “Independent Person” who must be consulted after an investigation and may be consulted on other complaints. A Member about whom an allegation has been made, can also consult the Independent Person. There has been much discussion as to the qualifications behind this “Independent Person” and again this

is reflected in the advice received by Counsel, as set out further below. However, the Independent Person cannot be or have been in the last five years, a Member or Co-opted Member or Officer of the authority.

- These new “arrangements” will also have application to Parish Councils, with certain modifications. Primarily, principal local authorities will make and operate these “arrangements” on behalf of Parish Councils and they will also use the principal authority’s independent person. Although there must be arrangements in place for taking “decisions” on allegations against Parish Councillors, it appears that any consequential “action” can only be taken by the respective Parish Council.
- As before, the authority may also grant dispensation relieving a Member from either not participating in discussions or in voting. It will be a consideration whether such a discretion is vested in a Committee or through a delegation to an officer.

3. SANCTIONS AND INDEPENDENT PERSONS – COUNSEL’S ADVICE

3.1 In order to assist local authorities in adopting the new standards arrangements, the Association of Council Secretaries and Solicitors sought the advice of Clive Sheldon QC on two areas requiring some clarification;

- (i) The nature and scope of any action lawfully available to authorities in respect of those Members found to have failed to comply with the authority’s Code of Conduct in the “new standards framework”;
- (ii) Whether a former Independent Member of an authority’s Standards Committee is lawfully able to become an independent person under Section 28 of the Localism Act, 2011.

3.2 It is recognised that the Localism Act, 2011, is silent on the ‘action’ potentially open to an authority where a Member is found to be in breach of its revised or newly adopted Code of Conduct in the new standards regime.

3.3 The Committee will be aware that under the existing standards regime (which will still remain in force until the new provisions are formally implemented) there is a wide range of sanctions, namely;

- Restrictions for a period not exceeding six months of that Member’s access to premises/use of resources (provided that those restrictions are both reasonable and proportionate and do not unduly restrict that person’s ability to perform the functions of a Member).
- Partial suspension not exceeding six months.
- Suspension for a period not exceeding six months.
- The issuing of a written apology in a form specified by the Standards Committee.
- That a Member undertakes training as the Standards Committee so specifies.

- That a Member participates in such conciliation as the Committee so specifies.
- Partial suspension for a period not exceeding six months or until the Member submits a written apology.
- Partial suspension for a period not exceeding six months until such time that the Member has undertaken training.
- Suspension of the Member for a period not exceeding six months and until such time that the Member has submitted a written apology.
- Suspension of the Member for a period not exceeding six months or until such time that a Member has undertaken training.

3.4 Sanctions are provided for in the local assessment and determination process as set out within the Standards Committee (England) Regulations, 2008. These Regulations will be repealed under Schedule 4 of the Localism Act, 2011. Section 28(11) of the 2011 Act provide that where an authority finds that a Member or “voting” Co-opted Member has failed to comply with the Code they must decide what action (if any) to take. The Act does not describe the range of “actions” that a local authority can take. However, it is envisaged that some action can be taken. Section 34 of the Localism Act, 2011 does provide for a criminal sanction, namely where a local authority Member fails to notify the existence of a disclosable pecuniary interest but this would be a Court sanction following conviction. Counsel in his advice has considered the statutory and also the common law position and has indicated that the following are lawfully available, subject to the particular facts and circumstances of a case and the same “action” being both lawful and proportionate in the manner of their application. These possible sanctions are indicated below and Counsel has also had regard to the possible engagement of Article 6 of the European Convention of Human Rights which would have application where “civil” rights are engaged but not those of a ‘political’ nature.

The Sanctions Issue

- (i) A formal letter to the Councillor found to have breached the Code.
- (ii) Formal censure through a Council motion.
- (iii) Removal of a Member from Committees subject to statutory and constitutional requirements. Although, this would be the prerogative of the local authority itself and not by any Committee of that authority, where the appointment of a Member to a Committee is based on the decisions of one of the political groups, then it would ordinarily be a matter of internal party political discipline to so remove. Therefore a recommendation could be made from Council to a relevant political group that a Member be removed from a particular Committee or Committees. As a matter of process, such a recommendation should come from full Council or from the Committee of Council that is responsible for dealing with the Code of Conduct issues. Counsel has also made the observation that such “action” primarily interferes with a

Member's "political rights" and not their 'civil' rights and the European Convention on Human Rights should not be engaged.

- (iv) Press Release/publicity, Counsel advises that the "right to know" whether or not a Member is complying with an authority's Code of Conduct provides a "rational" reason for publicising such decision.
- (v) Withdrawal of allowances – Members allowances are set by local authorities under the Local Authorities (Members Allowances) (England) Regulations, 2003. Such Regulations reflect a scheme for allowances that cover the nature of the functions and activities performed by Members. However, the provisions that confer powers on local authorities to withhold a payment where a Member is suspended relates to the implementation of a "sanction" and Counsel therefore advises that there is no power to withhold a payment or any part thereof in any other circumstances. Further, if a local authority sought to apply such action in the new standards framework, there is a reasonable prospect that such action could engage Article 6 of the Human Rights Act as there could be the "determination of civil rights". Although Counsel indicates that the arguments are "quite finely balanced" it appears there is a likelihood that an allowance will be treated akin to remuneration and therefore would be a "civil right" as opposed to being overly political. It would of course be open to a local authority to establish some form of independent panel, to seek to comply with human rights legislation, but such a panel could not include Council Members or Co-opted Members as they would not be sufficiently independent in such an appeal process.
- (vi) Withholding of confidential information – Where a Councillor ordinarily has a right to access confidential information then a deprivation of this right of access would be viewed by the Courts as being an undue interference with their rights as a Councillor. Further, it would interfere and potentially undermine the democratic process. However, a Councillor does not have unrestricted access to information but would be entitled to such access as is necessary to enable him/her to properly discharge their duties as Councillor on a "need to know" basis.

The Independent Person Issue

In the opinion of Counsel "it is not permissible for an Independent Member to serve as the "independent person". The role of the "independent person" is set out within Section 28(7) of the 2011 Act. The definition of such an "independent person" is further set out at Section 28(8) which prescribes;

- A person is not independent if the person is –
 - (i) A Member, Co-opted Member or Officer of the authority,
 - (ii) A Member, Co-opted Member or Officer of a Parish Council of which the authority is the principal authority, or

- (iii) A relative, or close friend, of a person within paragraph (i) or (ii);
- A person may not be appointed under the provisions required by sub-section (7) if at any time during the five years ending with the appointment the person was –
 - (i) A Member, Co-opted Member or Officer of the authority, or
 - (ii) A Member, Co-opted Member or Officer of a Parish Council for which the authority is the principle authority;

Further, a vacancy for an independent must have been advertised, the person has responded with an application, and an appointment has been approved by the majority of Members of the authority. It appears therefore that a person cannot be an “independent person” if he or she was a “Member, Co-opted Member or Officer” of the authority, any time during the five years ending with the date of the intended appointment. For the avoidance of doubt, a “Co-opted Member” of an authority under Section 27(4) of the 2011 Act would cover a Member of the Standards Committee of a relevant authority as prescribed under Section 53(8) of the Local Government Act, 2000. Whilst, Regulation 5 of the 2008 Regulations did not prevent the reappointment of Independent Members the same “saving” provision is not contained within the 2011 Act. Counsel indicates;

There is “therefore, a clear textural difference between the 2011 Act and the 2008 Regulations. Under the existing standards regime, there is no prohibition against an Independent Member of a Standards Committee being reappointed in that role. However, the same language does not appear in the 2011 Act: it would have been possible to repeat the language had Parliament intended to do so”.

It should be noted, that in the instructions to Counsel, “that there is a serious concern of loss of experience for local authorities if past Independent Members cannot serve as the “independent person”. However, upon a statutory interpretation of the Localism Act, 2011, Counsel has concluded that “the role of the “independent person” is therefore different, and there is “not necessarily a complete overlap of skill sets and experience between the two roles”. Whereas under the existing standards regime, there is a requirement for a Standards Committee to be chaired by an independent person and the same individuals to be Co-opted Members with a vote, the new “arrangements” indicate a more passive role for the independent person. Although, further guidance through transitional arrangements may well clarify the position on the present statutory interpretation of this legislation, Counsel has assisted in clarifying two important issues relating to these new “arrangements” in the operation of standards and behaviour within local authorities.

4. RECOMMENDATIONS

1. For Members to note and discuss.

CODE OF CONDUCT

INTRODUCTION

This code applies to you as a member of Hartlepool Borough Council when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

You are a representative of this authority and the public will view you as such and therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code is adopted through the requirement for Hartlepool Borough Council to promote and maintain high standards of conduct by its members under Section 27 of the Localism Act, 2011. The Code has application to those “principles of public life” as set out below under paragraphs (i) – (vii) as specified under the Act ****and the Council has also decided to incorporate certain additional principles as set out within paragraphs (viii) – (x).*

THE PRINCIPLES OF PUBLIC LIFE

(i) SELFLESSNESS

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

(ii) INTEGRITY

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

(iii) OBJECTIVITY

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

(iv) ACCOUNTABILITY

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

(v) OPENNESS

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

(vi) HONESTY

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

(vii) LEADERSHIP

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

(viii) 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.

(ix) 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.

(x) 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.

Interpretation

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 committees, sub-committees, joint committees or area committees;
whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

“Member” includes a co-opted member and any appointed member.

GENERAL OBLIGATIONS

1. When acting in your role as a member of the authority -
 - 1.1 You must treat others with respect.
 - 1.2 You must not conduct yourself in a manner which is contrary to the authority's duty to promote and maintain high standards of conduct of members.
 - 1.3 You must not 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 the 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 legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority; and
 - (c) you have consulted with the authority's Monitoring Officer prior to its release.
 - 1.4 You must not prevent any other person from gaining access to information to which that person is entitled by law.
2. When using or authorising the use by others of the resources of the authority –
 - 2.1 You must act in accordance with the authority's reasonable requirements including the requirements of the authority's applicable ITC policy and those related policies copies of which have been provided to you and which you are deemed to have read;
 - 2.2 You must ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - 2.3 You have regard to any applicable Code of Recommended Practice on Local Authority Publicity issued under Section 4 of the Local Government Act, 1986.

INTERESTS

3. As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests however when performing your public role as a member, you should act solely in terms of the public interest and should not act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
4. You are required to register “pecuniary and other interests”. Failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest this will also be a criminal offence.
5. There will be no requirement for you to formally declare or register any gifts and hospitality; however you should not accept any gifts in excess of £xxxxx . *** *Further, you should also have regard to the following considerations;*
 - *you should not accept any gift or hospitality which might interfere with or be perceived as impacting on Council business or services,*
 - *you should not accept significant personal gifts from any contractor and/or outside suppliers or agents thereof,*
 - *you should only accept hospitality if there is a genuine need to impart information or to represent the Council (or a body to which you are appointed by Council) in the community*
 - *you should also be particularly sensitive to receiving gifts and/or hospitality which may relate to the timing of a decision which the Council may be taking which affects those from whom the gift and/or hospitality was received,*
 - *the advice of the Council’s Monitoring Officer should be obtained where necessary or desirable.*

DISCLOSURE AND PARTICIPATION

6. At a meeting where such issues arise, you must declare any personal and/or professional interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
7. Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer or your business interests, are so closely tied to your personal and/or professional life that your ability to make a decision in an impartial manner in your role as a member may be called into question and in turn raise issues about the validity of the decision of the authority. You should not become involved in these decisions any more than a member of the public in the same personal and/or

professional position as yourself is able to be and you should not vote in relation to such matters.

8. You should not improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.

PRE - DETERMINATION OR BIAS

9. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however you should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
10. When making a decision, you need to consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.
11. In relation to any business before an overview and scrutiny committee of the authority (or of a sub-committee of such a committee) where –
 - 11.1.1 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
 - 11.1.2 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 11.1 and you were present when that decision was made or action was taken; or
 - 11.1.3 that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Authority's Constitution or under delegated authority):

You may attend a meeting of the overview and scrutiny committees 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 purposes, whether under a statutory right or otherwise.