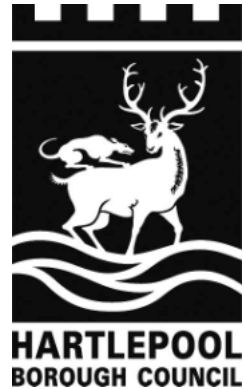


PLEASE NOTE CHANGE OF START TIME

CONSTITUTION COMMITTEE AGENDA



Thursday 12 July 2012

at 10.30 am

in Committee Room C, Civic Centre, Hartlepool

MEMBERS: CONSTITUTION COMMITTEE:

The Mayor, Stuart Drummond

Councillors C Akers-Belcher, S Akers-Belcher, Cook, Cranney, James, G Lilley, Simmons and Wells.

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
 - 3.1 Minutes of the meeting held on. 14 June 2012 (*to follow*)
4. **ITEMS REQUIRING DECISION**
 - 4.1 Standards Framework – Localism Act 2011 – *Chief Solicitor and Monitoring Officer*
 - 4.2 Civic Honours Committee – *Chief Solicitor*
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

14 June 2012

The meeting commenced at 9.30 a.m. in the Civic Centre, Hartlepool

Present:

Councillor: S Akers-Belcher (In the Chair)

Councillors: C Akers-Belcher, Cook, Cranney, James, Simmons and Wells

Officers: Alyson Caman, Legal Services Manager
Peter Devlin, Chief Solicitor
Amanda Whitaker, Democratic Services Team Manager

1. Apologies for Absence

Councillor G Lilley

2. Declarations of interest by Members

None

3. Minutes

The minutes of the meeting held on 29 March 2012 were confirmed

Matters arising from Minutes:-

Minute 41 – Outside Bodies Review - Members referred to outstanding issues following the Annual Council meeting. Concerns were expressed by Members of the Committee in relation to the implications of the proposed reduction in representation on both Housing Hartlepool (currently 4 Members) and the Local Government Association (previously 6 Members including sub board representation) in terms of reducing the Council's 'voice' on those organisations.

Members agreed that the Chairman of this Committee write to the Mayor to express their concerns and to highlight that the proposed reduction in the representation on both Housing Hartlepool and the Local Government was not appropriate and could, therefore, not be supported by the Committee. It was agreed also that a timescale should be requested on the response from the Mayor and that a response before the next meeting of Council on 21 June was appropriate. It was suggested that the correspondence should be included with the Constitution Committee's report to Council. In relation

to concerns regarding the implications of the Mayor not attending meetings of this Committee, the Chairman agreed to deal with this matter separately at a later date.

4. Petition Scheme (*Chief Solicitor*)

The report set out details of the former duty of the Authority to respond to petitions. Through the provisions of the Local Democracy, Economic Development and Construction Act, 2009 it was a requirement for 'principal local authorities' to adopt a petition scheme from 15th June, 2010, with the operation of an "e-petition scheme" from the 15th December, 2010. Accordingly, at an extraordinary meeting of Council on 10th June, 2010, the authority formally adopted its petition scheme based upon the model provided through the Department of Communities and Local Government with some modifications. Through a further report from the Constitution Committee, to Council on 28th October, 2010, a "Guidance Note – Duty to Respond to Petitions" was also adopted, to facilitate and promote the operation of the petition scheme. Both the petition scheme and the Guidance Note were appended to the report.

At a meeting of this Committee's Task and Finish Group held on 2nd February, 2012, consideration had been given to the current operation of the Council's Petition Scheme. The Localism Act, 2011, repealed the duties relating to the promotion of local democracy and for Authorities to operate a petition scheme. Since 1st April, 2012, Local Authorities were not statutorily required to operate a petition scheme, although they may of their own volition, continue to do so. In an earlier consultation document entitled "Localism Bill: Local Referendums (January 2011)" there was an assessment on the likely impact of giving electors the power to instigate non binding local referendums and abolishing the wider petition duty.

It was the intention that the petition scheme be repealed and in its place would be non binding local referendums which it was envisaged would give residents 'greater influence, increase participation and make Council's more accountable and therefore leading to better outcomes'. At the same time, there was also recognition of the important role of elected representatives in decision making. However, the legislation as implemented through the Localism Act, 2011, only provided for such referendums where a Council sought approval for an excessive Council Tax increase and also in relation to neighbourhood planning issues. The Coalition Government's intention therefore to have more wide ranging local referendums, had not come to fruition. It was suggested that Members may therefore consider it desirable to continue the operation of a petition scheme, as the same had not been wholly replaced through non binding local referendums.

It was highlighted that there were other mechanisms available which allowed for public participation and involvement, including a petition to seek a change of governance through a referendum with seven Councils in 2000 seeking such a change through the promotion of the Elected Mayor and

Cabinet system and five authorities subsequently considering petitions from this date up to 2010. There was also the “local poll” as introduced through Section 116 of the Local Government Act, 2003, to hold a referendum on any matter relating to;

- services provided in pursuance of the authority’s functions, or
- the authority’s expenditure on such services, or any of its powers under Section 2 of the Local Government Act, 2000 (Wellbeing Powers).

The Local Government Act, 1972, had the provision for a “parish poll” wherein a Parish Council or Parish Meeting could request the Borough Council to organise a referendum on its behalf on a local issue. However, both under the 1972 and 2003 Acts, such referendums/polls were non binding and would have only persuasive authority. In the consultation document it was mentioned that although it was the intention to abolish the duty to promote local democracy and the petition schemes, *“it is of course up to local authorities whether they retain elements of the petition scheme, however they no longer have a duty to do so”*.

Members highlighted that revocation of the petition scheme from legislation was due to the government findings that Local Authorities found the operation of a petition scheme burdensome and bureaucratic. The LGA also advocated removal of the scheme on cost grounds. Further the time spent on administering the Scheme was also noted and that a good deal of member and officer time was spent dealing with Petitions, due to the formal steps required to be followed within the Petition Scheme.

It was noted also that there were already mechanisms in place within the Council for dealing with issues that might arise locally. Any issues which were a matter of concern could be raised at meetings of the Council, without the need to follow a formal bureaucratic process.

The Committee considered, therefore, that Members of the public would be better served by contacting their elected members with concerns who would take up their cause for them personally or bring the matter to the attention of council, without the need for a formal process, which was time consuming and costly. Members also agreed that it would be beneficial to include a ‘guide’ in the Council’s Hartbeat magazine to signpost members of the public in the event that they have an issue or concern which they would like to progress.

Decision

That the Petition Scheme be abolished and the Constitution be amended and reference to the Scheme at Article 3 ‘Local People and the Council’ sub para 3.01(a) (ii) be deleted.

That the Officer/Member Protocol at Part 5, para 10 of the Constitution be

amended to allow for all petitions, received by Departments to be referred by Officers to the relevant Ward members.

That the removal of the Petition Scheme be brought to the public attention through the Press Office of the Council, by publication in relevant media, to include a 'signposting guide' in *Hartbeat*. Also, through such publication, that members of the public are directed to their ward members in relation to any concerns or issues that they might have so that members can deal with or bring to the attention of all members at Council meetings.

5. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items 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 matters could be dealt with without delay.

1. Substitution of Members at Licensing Sub Committee meetings – Members were advised of concerns which had been highlighted by the Chair of the Licensing Committee in relation to the application of substitution rules resulting in only Members of the Licensing Committee being able to substitute on Licensing Sub Committees.

The Chief Solicitor advised Members that substitution arrangements were not recognised legally and highlighted the quasi judicial functions of the Licensing Committee and the requirement, therefore, for all Members of the Committee to have been trained. It was noted that the maximum number of Members on the Licensing Committee is 15 Members (the current number of Members). A number of suggestions were made by Members to resolve the situation which had been highlighted including the composition of the Committee comprising a number of permanent members with the balance comprising a pool of Members who had received the appropriate licensing training.

Decision

That a report be submitted to the next meeting of this Committee on substitution of Members at Licensing Sub Committee meetings and the Chair and Vice Chair of the Licensing Committee be invited to attend that meeting. In the meantime, the Chair of this Committee to meet informally with the Chief Solicitor and the Chair and Vice Chair of the Licensing Committee.

2. Civic Roles and Duties

The Chair expressed his concerns and embarrassment at the alleged down grading of the role of Chairman of the Council. Members were advised of a

number of examples of events where the Chairman had either not been invited to an event or where the Chairman had been invited to attend but due regard to the position of Chair had not been respected. Members of the Committee supported the view which had been expressed by the Chairman and highlighted that the Constitution very clearly stated that the Chair of the Council will be the first citizen of the Borough.

It was proposed that a letter be sent to the Acting Chief Executive expressing the concerns of the Committee that the Constitution was not being adhered to in terms of the role of the Chair and also referring to the requirement to hold a Civic Church Service. It was the view of Members that a message therefore was required to be disseminated to all Senior Officers of this Council to convey the requirements of the Constitution in terms of the role of Chairman of the Council.

It was further highlighted that there were occasions when the Chair and Vice Chair of the Council were unavailable. It was suggested that the Constitution should provide for those occasions by reference to 'a third person arrangement' as applied in other areas of the Constitution.

Concerns were expressed at the implications of the removal of the Chair and Vice Chair budget. Members considered that the budget should be reinstated. The Chief Solicitor undertook to refer this issue to the Chief Finance Officer.

3. Civic Honours Committee

Members discussed the process for conferring the honour of Honorary Alderman on Arthur Preece in view of his outstanding and lengthy service to this Council. Members recognised that the Council had agreed a moratorium. The Committee agreed, however, that exceptional circumstances applied. Following confirmation of procedural rules by the Chief Solicitor, Members agreed to facilitate a resolution being passed at the next ordinary meeting of Council which would then be followed by an Extraordinary meeting to confer the honour of Honorary Alderman. In the meantime and prior to the ordinary council meeting, it was agreed that leaders of Political Groups should be contacted to ascertain their view. In accordance with procedure agreed by the Civic Honours Committee, Arthur Preece would then be contacted, on a confidential basis, to indicate whether he would accept the relevant honour if offered.

It was agreed that the composition of the Civic Honours Committee would be considered at the next meeting of this Committee.

4. Shadow Health and Wellbeing Board

Comments made by the Mayor in relation to the approach of Cabinet in dealing with Shadow Health and Wellbeing issues were highlighted.

Concerns were expressed at implications of a 'light touch' approach being taken by Cabinet. The approach was not considered acceptable as Members, other than Cabinet Members, did not have an input into those issues until they were considered by Cabinet.

It was agreed that a report be submitted to the next meeting of this Committee on the Shadow Health and Well Being Board and links with the scrutiny process.

5. Audit Committee

The Chair of Audit Committee referred to meetings which were being arranged to consider issues relating to the mill house site masterplan and potential disposal of land at Victoria Park. Members were reminded of the requirements of the Annual Governance Statement in relation to safeguarding public money. As it was understood that no financial evaluation or District Auditor view had been received on proposals, it was to be strongly recommended to the Audit Committee that proposals were not progressed until all information had been received.

The Chair requested that this Committee be kept informed to ensure no breach of the Constitution had occurred.

6. Annual Council Meeting - The Chief Solicitor referred to previous practice and that it had been suggested that the Constitution Committee consider and make recommendations to Council for the holding of an Extraordinary Meeting as part of the overall governance of the Council to make appointments outside of those matters specifically reserved to the Annual Meeting in the future.

Decision

That Council be recommend to approve the amendment of the Constitution at, Part 4, Para 5 Time and Place of Meetings to reflect this change.

7. Voting – the Chief Solicitor advised Members that the voting procedures included in the Constitution required clarification. It was agreed, therefore, that a report would be submitted to the next meeting of this Committee.

8. Governance

The Chief Solicitor advised Members that an item was included on the Acting Chief Executive's Business report to the Council meeting on 21 June which outlined the permissible forms of governance a Local Authority must operate under the Localism Act 2011.

It was noted that through 'The Local Authorities (Committee System) (England) Regulations, 2012, which came into force on 4th May, 2012, local authorities may resolve to move to a committee based system of governance. Where such a resolution was passed, a Council would operate a committee system from its next annual meeting or subsequent annual meeting as specified in the resolution.

Members recognised that in order to meet required timescales, a number of joint meetings of this Committee and the General Purposes Committee would be required between the 21 June and the next Ordinary Council meeting on 2nd August.

The meeting concluded at 11.35 p.m.

CHAIR

CONSTITUTION COMMITTEE

12th July 2012



Report of: Chief Solicitor and Monitoring Officer

Subject: STANDARDS FRAMEWORK – LOCALISM ACT, 2011

1. PURPOSE OF REPORT

- 1.1 Under the Localism Act, 2011, a “relevant authority” (including Town and Parish Councils) must promote and maintain high standards of conduct by Elected and Co-opted Members. Further, each authority must therefore adopt a Code dealing with the conduct that is expected of Members and Co-opted Members “when they act in that capacity”. Although, a Code must be consistent with seven of the so called “Nolan Principles” a local authority may incorporate within its Code of Conduct such provisions in order to meet the relevant statutory duty to promote high standards of conduct. An authority may therefore either revise its existing Code of Conduct or replace it with a new Code, which should be incorporated within the Council’s Constitution under Part 5 “Codes and Protocols”. In addition, the role and remit of the Standards Committee is that encompassed under Article 9 of the Council’s Constitution. This report details the proposed amendments to the terms of reference of the Standards Committee and it should be noted that a report has also been tabled to the Standards Committee covering the proposed revisions to the Code and the documentation and procedures relating to the standards framework, operating in compliance with the legislative requirements.

2. BACKGROUND

- 2.1 The Local Government Act, 2000, required all “relevant authorities”, which at that time excluded reference to Town and Parish Councils, to operate Standards Committees as part of the ethical framework. With the introduction of the Localism Act, 2011, there is no statutory requirement to have a Standards Committee, but “*arrangements*” need to be in place for dealing with complaints. Further, a relevant authority must have in place such arrangements, to assist a Town/Parish Council in discharging their obligations under the Localism Act, 2011. It is open for local authorities to arrange for the discharge of functions through a Committee, or Sub-

Committee (Section 101 and 102 of the Local Government Act, 1972, refers) and the Council have recommended the retention of a Standards Committee that will deal with these new arrangements.

- 2.2 It was the case that Independent Members must comprise of at least 25% of the membership of a Standards Committee but this no longer has application. Further, such an Independent Member had to chair meetings of Standards Committees and its Sub-Committees in the operation of the local assessment and determination process. Again, this is no longer a statutory requirement. Under the Localism Act, 2011, an authority must appoint an “Independent Person” who is there to be consulted upon a complaint although appointed as a ‘Co-opted Member’, such an individual has no voting rights and therefore acts purely in an advisory capacity. The new system is intended to seek local resolution and though a formal investigation may well be warranted in the particular circumstances of a case, this may well become the exception rather than the norm. In addition, the system as operating under the Local Government Act, 2000, had a range of “sanctions” which were available where there was a ‘finding of fault’ in respect of an allegation of Member misconduct. There will now be a limited range of “actions” under the new arrangements, which will largely comprise the following;
- Censure
 - Report to full Council
 - Recommendation of action to Group Leaders
 - Withdrawal of facilities, if both necessary and proportionate but which would not prevent the Councillor in performing their duties.
- 2.3 The Monitoring Officer as now, must establish and maintain a Register of Interests of Members. This will be based upon “discloseable pecuniary interests” as now defined under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012. A failure to register a disclosable pecuniary interest within 28 days of election/co-option without reasonable excuse, or to provide false or misleading information or being reckless as to the accuracy of information supplied, can lead to the commission of a criminal offence. This can lead to disqualification from being a Councillor for up to five years. Any prosecution would be required to be instigated through the Director of Public Prosecutions.
- 2.4 Attached herewith is a draft Code of Conduct which builds upon a previous draft as reported to the Council’s Standards Committee at its meetings on 7th February and 17th April, 2012. The draft now incorporates references to “disclosable pecuniary interests” and also draws upon the Local Government Association “Template Code and Guidance Note on Conduct” and also the example of a local Code, volunteered through the Department for Communities and Local Government. As indicated, this document (see **Appendix 1**) is the subject of a separate report to the Council’s Standards Committee to make recommendations to Council for formal adoption at its meeting on 2nd August, 2012. Members are asked to note, that although the “new arrangements” became operative with effect from 1st July, 2012,

the Department for Communities and Local Government have recognised that there will be some delay in the formal adoption of a revised or replacement Code of Conduct together with applicable procedures to accommodate a local authority's own governance arrangements and the timetabling of their cycle of meetings. Consequently, guidance as to arrangements for dealing with standards allegations under the Localism Act, 2011, incorporating procedures for hearings and other pertinent information are to be reported directly to the Standards Committee. However, the Constitution Committee is requested to consider the present Article 9 "The Standards Committee" of the Council's Constitution and to make appropriate recommendations to Council.

3. ARTICLE 9 – THE STANDARDS COMMITTEE

3.1 As indicated, the former "statutory" Standards Committees operating under the Local Government Act, 2000, were required to have at least 25% of its Members comprising individuals who were "independent" of the local authority. That provision is no longer required and therefore it is suggested that seven Councillors (other than the Mayor) do comprise the Standards Committee and that the appointed "Independent Person(s)" sit on that Committee in a strictly advisory capacity. Para 9.02(b) provides that Independent Members will be entitled to vote at meetings. This will no longer be the case under the new arrangements. A local authority must assist a Parish Council in meeting its obligations under the Localism Act, 2011, and this will still require Parish Council representation through the Standards Committee. It is proposed that there be a Hearing Sub-Committee to deal with matters referred by the Monitoring Officer (following consultation with the Independent Person) on a particular case wherein recommendations for "action" could follow. The Committee is no longer required to be chaired by an Independent Member and therefore it is open for the position of the Chair and Vice-Chair of the Committee to be reassigned. Having regard for the role and functions of the Committee under 9.03 is recommended that the following terms of reference be applied to the Standards Committee;

- (i) Promoting and maintaining high standards of conduct by Members and Co-opted Members of the authority.
- (ii) Assisting Members and Co-opted Members to observe the requirements of the Council's Code of Conduct.
- (iii) To advise and offer guidance to Members and Co-opted Members on the adoption or revision of the Code of Conduct.
- (iv) To grant dispensations to Members and Co-opted Members (including Parish Council representatives) from requirements relating to interests as set out within the relevant Code of Conduct.
- (v) To delegate to a Hearing Sub-Committee, where required, following the outcome of an investigation by the Monitoring Officer and to publish, report findings and make recommendations, as appropriate.
- (vi) To deal with the grant and supervision of exemptions from political restrictions in respect of all relevant Council posts.

- (vii) To assist in making recommendations through the better governance of the Council insofar as it relates to the maintenance and promotion of high ethical standards.

It is recommended that the quorum for the Committee be maintained as being four, and that the Hearing Sub-Committee should comprise three Members, but again, adherence to political balance requirements. Finally, under para 9.05 reference should be made to the appointment of the Independent Person(s) and the same should be approved following receipt of an application and following any recommendations made by the Standards Committee. As before, Parish representation should emanate through nominations by the Parish Councils, on a rota basis, where Parish Councils have agreed to operate such arrangements.

4. RECOMMENDATIONS

1. For Members to make comment upon the proposed Code of Conduct to assist the Standards Committee in making recommendations to Council upon the adoption of a revised Code of Conduct.
2. That the Committee consider the proposed amendments to the terms of reference of Standards Committee under Article 9 of the Council's Constitution and make recommendations to Council.

CODE OF CONDUCT

INTRODUCTION

This code applies to you as a member of Hartlepool Borough Council and when you act in your role as a Member it is your responsibility to comply with the provisions of this code. The code will also have application to voting co-opted Members.

You are a representative of this authority and the public will view you as such 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 paras (i) – (vii) as specified under the Localism Act, 2011 and the Council has decided to incorporate the additional principles as set out within (viii) – (x).

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 view that others, including their political groups, but should reach their conclusion on the issues before them and act in accordance with those conclusions.

As a Member your conduct will in particular address the statutory principles of the Code of Conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents'

casework, the interests of the authority's area or the good governance of the authority in a proper manner.

- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional Officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public and engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

[Extracted from the Local Government Association 'Template Code and Guidance Note on Conduct'.]

Interpretation

In this Code;

“disclosable pecuniary interest” has the meaning and description as detailed in the Schedule to this Code of Conduct.

“Meeting” means any meeting of;

(a) the authority;

- (b) the Executive of the authority;
- (c) any of the authority's or its Executive Committee, Sub-Committees, Joint Committees or Area Committees;
- (d) 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 amongst its Member.
 - 1.3 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe or are reasonably to be aware, if 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 information technology policy and those related policies copies of which have been provided to you and which 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 such other interests as directed. A 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 £25. *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.*

(i) Notification of Interests

- (1) 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),

notify the Monitoring Officer of your disclosable pecuniary interests that are notifiable under the Localism Act 2011 and The Relevant Authorities

(Disclosable Pecuniary Interest) Regulations 2012, for inclusion in the register of interests, and notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

- (2) 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 easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- (3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1) above, or as a disclosable pecuniary interest notify the Monitoring Officer of the details of that new interest or change.

(ii) Disclosure of interests

- (1) Subject to sub-paragraphs (2) to (5), where you have a personal interest described in paragraph 1 above or in paragraph (2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, 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) (A) You have a personal interest in any business of your authority
 - (i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the

well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or

- (ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.

(B) In sub-paragraph (2)(A) (i), 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 paragraph 1(2)(a)(i) or (ii).
- (3) 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 1(2)(a)(i) or 1(2)(a)(ii)(aa) above, you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
 - (4) Where you have a personal interest but, by virtue of paragraph (iv), 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.
 - (5) 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.

(iii) Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

(iv) Sensitive interests

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

(v) Non participation in case of pecuniary interest

- (1) Where you have a personal interest in any business of your authority you also have a pecuniary 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 and where that business –
 - (a) affects your financial position or the financial position of a person or body described in paragraphs 1(2) or 2(2) ;or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.
- (2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your authority –
 - a) You may not participate in any discussion of the matter at the meeting.
 - b) You may not participate in any vote taken on the matter at the meeting.
 - c) If the interest is not registered, you must disclose the interest to the meeting.
 - d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition Council Procedure Rule 23 requires you to leave the room where the meeting is held while any discussion or voting takes place.

- (3) Where you have a pecuniary interest in any business of your authority, you may attend a meeting 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 and

you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that 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.
- (5) Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

PRE – DETERMINATION OR BIAS

6. 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.
7. 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.
8. 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 the 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 Committees or Joint Sub-Committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

You may only attend a meeting of the Overview and Scrutiny Committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

SCHEDULE

A “discloseable pecuniary interest” is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, ‘M’ means you and ‘relevant person’ means you and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or

longer.

Corporate tenancies

Any tenancy where (to M's knowledge) –

(a) the landlord is the relevant authority; and

(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where –

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either –

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

[Extract from 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012]

CONSTITUTION COMMITTEE

12th July 2012



Report of: Chief Solicitor

Subject: CIVIC HONOURS COMMITTEE

1. Civic Honours Committee

Members will be aware that an invitation was extended to leaders of the political groups and independent Members of the Council to make nominations for appointments to various committees, Forums and Other Bodies. In relation to the Civic Honours Committee, the nominations were as follows:-

Chair of Council (Chair)
The Mayor
Councillor Wells (Vice Chair)
Councillor Tempest
Councillor Richardson
Councillor G Lilley

In accordance with a decision taken by the Constitution Committee on 23rd January 2009, the appointments of the Mayor and Chair of Council are outside the requirements for the Civic Honours Committee to be 'politically proportionality'.

Following receipt of the notifications set out above, it was noted that the Constitution Committee, at its meeting on 29th March 2012, had agreed that the Civic Honours Committee should comprise 6 Members including the Mayor, Chair of Council and the Chair of the Scrutiny Co-ordinating Committee. Therefore, only 3 additional appointments are required based on proportionality calculations as follows:-

1.85 Labour (including Chair of Scrutiny Co-ordinating Committee)
0.26 Conservative
0.35 Putting Hartlepool First
0.53 Independent

Members are reminded that Council agreed in November 2009 to impose a moratorium of three years before any further honours are conferred, unless someone was to be recognised for an exceptional achievement.