

STANDARDS COMMITTEE AGENDA



23 April 2013

at 9.30am

in Committee Room A, Civic Centre, Hartlepool.

MEMBERS: STANDARDS COMMITTEE:

Councillors Dawkins, Fleet, Griffin, Morris, Simmons, Tempest and Wells.

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

Parish Councillors: A Bell, Hart Parish Council and 2 vacancies

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 15 January 2013

4. BUSINESS REPORT – *Chief Solicitor*

- 4.1 Councillors and Lobbying
- 4.2 “Openness and Transparency on Personal Interests – A Guide to Councillors”
- 4.3 Revisions to the Council’s Code of Conduct
- 4.4 Matter of Complaint – SC01/2012.
- 4.5 Appointment of Independent Persons.



STANDARDS COMMITTEE

MINUTES AND DECISION RECORD

15 January 2013

The meeting commenced at 3.30 pm in the Civic Centre, Hartlepool

Present:

Councillor Simmons (In the Chair)

Councillors Dawkins, Fleet, Griffin, Morris, Tempest and Wells

Independent Member: Ted Jackson

Parish Councillor Representative, Alan Bell (Hart Parish Council)

Also Present: John Cambridge

Officers: Peter Devlin, Chief Solicitor and Monitoring Officer
Denise Wimpenny, Principal Democratic Services Officer

13. Apologies for Absence

Apologies for absence were submitted on behalf of Independent Members, Brian Footitt and John Lund.

The Chief Solicitor indicated that a letter of resignation had been received from Ruth Musgrove, Elwick Parish Council Representative, further details of which were set in Minute 18 below.

14. Declarations of Interest

None

15. Minutes

The minutes of the meeting held on 16 October 2012 were confirmed.

16. Dispensations – Setting the Council Budget (*Chief Solicitor and Monitoring Officer*)

The Chief Solicitor and Monitoring Officer sought the Committee's consideration of granting dispensations to Members of the Council who had

a discloseable pecuniary interest or such prejudicial interest in the setting of the Council's budget. It was noted that the Committee had a general power to grant dispensations to Members from the requirements relating to interests.

The Chief Solicitor referred to the previous standards regime where Councillors could rely on a specific exemption in relation to the setting of Council Tax. However, this provision had not been carried over into the Localism Act 2011 which sought a 'clean break' with the old regime. That legislation provided that a relevant authority may upon a written request being received, grant a dispensation where the Member would otherwise be prohibited from participating in a discussion or being a participant in the vote on any matter, where the Members had a pecuniary or other prejudicial interest. Although, the Council's Code of Conduct contained the 'exemptions' as previously provided under the Local Government Act 2000, it was advised that it would be prudent for Members to formally seek the necessary dispensation so they could fully participate in the setting of the Council Tax.

There had been great uncertainty in the application of 'discloseable pecuniary interests' (DPIs) in relation to the setting of Council Tax under the Localism Act 2011. There was a wide divergence of opinion amongst local authorities as to the approach to be taken upon this issue, details of which were provided. The Tees Valley District Lawyers had therefore agreed that it would be appropriate to invite Members, by way of a written request, to seek the grant of a dispensation. Accordingly, all Members of the Council had been sent a letter outlining the position and inviting requests for the grant of a dispensation.

The Chief Solicitor outlined details of the circumstances in which dispensations should be considered, as set out in the report.

In conclusion, it was reported that the Standards Committee had a power to grant a dispensation in this case to allow Members with interests to fully participate in meetings and decisions that considered business relating to the setting of the Council's budget. Relevant public bodies had a legal obligation in the setting and calculation behind their overall budgets and a failure to so comply, would have serious financial and reputational implications for a public body. It was therefore considered appropriate to grant a dispensation to all Members for a period of four years, (until January 2017), to enable all Members to fully participate in decisions that relate to the formal setting of the Council budget in the financial years 2013/14, 2014/15 and 2015/16.

The Chief Solicitor and Monitoring Officer referred to applications received and the power of the Committee to also grant dispensations to the Council's representatives on the Police and Crime Panel for the Cleveland Police Force area. It was reported that to date, 28 requests from Members seeking dispensation had been received and 6 Members had not yet responded. The Committee's approval was therefore sought for delegated

authority to be granted to the Chief Solicitor and Monitoring Officer to follow up outstanding applications from Elected Members.

Following the conclusion of presentation of the report a lengthy debate ensued in relation to delegated power arrangements. Whilst Members acknowledged the benefits of delegating powers in circumstances of this type and noting that any powers granted to the Monitoring Officer could be withdrawn at any time, it was unanimously agreed that authority should be granted to the Chief Solicitor and Monitoring Officer to deal with all future dispensations on behalf of the Committee.

Decision

- (i) That dispensation be granted to those Members of the Council, who have made a written request to enable those Members to fully participate in decisions relating to setting of the Council's budget.
- (ii) That dispensations be granted to the Council's representatives upon the Police and Crime Panel in dealing with the approvals of the budget proposed by the Police and Crime Commissioner.
- (iii) That all approvals to grant dispensations be for a period of four years until January 2017.
- (iv) That delegated authority be granted to the Chief Solicitor and Monitoring Officer to deal with outstanding and future dispensations on behalf of the Committee.
- (v) In relation to decision (iii) above, the following Members requested that their vote in support of the decision be recorded:-

Councillors Ainslie, Dawkins, Fleet, Griffin, Morris, Simmons, Tempest and Wells

17. 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 matter could be dealt with without delay.

18. Any Other Business – Letter of Resignation – Parish Council Representative

The Chief Solicitor shared the contents of letter of resignation received from Ruth Musgrove, Elwick Parish Council representative.

It was agreed that a letter of appreciation be sent to the representative by the Chief Solicitor on behalf of the Committee.

19. Any Other Business – Current/Future Representation on Standards Committee

In response to a query raised in relation to the current Parish Representation on Standards Committee and clarification sought as to whether John Cambridge was a formal Parish Representative of the Committee, the Chief Solicitor advised that through the provisions of the Localism Act, 2011, Standards Committee would no longer be a statutory Committee, although the Council were still required to have 'arrangements' in place to deal with complaints. This covered complaints relating to Members of the Borough Council but also to Parish Council Members. Details of the changes to the arrangements were outlined including the role of Independent and Parish Members. In terms of dealing with complaints under the new arrangements, Independent Member representation and Parish Council representation would therefore still be required. Previous guidance had suggested representation through 3 Parish Members (although the previous regulations had stipulated 2) who would operate on a rotational basis. Given the pending changes and the recent resignation of the Elwick Parish Council representative, the Chief Solicitor indicated his intention to seek nominations from the Parish Councils once the new constitutional arrangements were in place.

The Committee reiterated concerns expressed at previous meetings regarding the requirement to appoint new Independent Persons under the new arrangements and the impact of the loss of expertise and support of current Independent Members. Members expressed appreciation for their invaluable contribution and commitment to the Committee.

The meeting concluded at 4.00 pm.

CHAIR

STANDARDS COMMITTEE

23 April 2013



Report of: Chief Solicitor

Subject: BUSINESS REPORT

1. COUNCILLORS AND LOBBYING

- 1.1 The Secretary of State for Communities and Local Government, Eric Pickles MP, responded to an “open letter” dated 11th March, 2013, from Hilary Benn MP, the Shadow Secretary regarding “Councillors who are paid to lobby on planning matters”. This follows an article in an edition of the Daily Telegraph of the same date, “...about Councillors who run or are paid by consultancies to advise developers about planning applications”. This included an undercover investigation wherein a Cambridgeshire based Consultancy indicated that ‘Planning Officials’ could explain the complex planning system to further client interests whilst being employed by the local Planning Authority. There was also a subsequent reference to a Newcastle City Councillor who is also alleged to have told undercover reporters that he could use “a bit of cunning” to get planning applications through.
- 1.2 The response from the Secretary of State is appended herewith (**Appendix 1**) and makes explicit reference to the Nolan Principles, which are reiterated within the Localism Act, 2011 and also within the Council’s own Code of Conduct. In addition, these principles are also mentioned in the “illustrative Code of Conduct” issued through the Department for Communities and Local Government and in the Local Government Association’s “Template Code and Guidance Note on Conduct”. The Committee will also note reference to the criminal offence provision under the Localism Act, which is more specifically dealt with below. There is also additional guidance as to the “role of political parties” and also “Councillors as local champions”. The Committee are asked to note this particular item of correspondence and to make comment thereon.

RECOMMENDATION

1. To note the letter of the Secretary of State in response to the letter of 11th March, 2013 to the Right Honourable Hilary Benn MP.

2. “OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS – A GUIDE TO COUNCILLORS”

- 2.1 Presumably following on from the exchange in correspondence between the Right Honourable Hilary Benn MP and the Secretary of State for Communities and Local Government, a document entitled “Openness and Transparency on Personal Interests – A Guide to Councillors” has now been issued through the Department for Communities and Local Government. That document is again appended to this report for the information of the Committee (**Appendix 2**). This guide is not so dissimilar from that previously provided through the Department of Communities and Local Government entitled “Illustrative Text of a Local Code” to assist relevant local authorities in adopting revised or amended Codes to conform with the Localism Act, 2011. In particular Members will note the rather vexed issue as to whether a Member needed to seek a dispensation to participate in the business of Council in agreeing and setting the Council Tax or a precept. The Committee will recall, that as the former statutory exemption had not been carried forward into the Localism Act, 2011, it was decided that obtaining dispensations was a prudent step to take. This was in conformity with practice across the Tees Valley area and indeed, across other local authorities. There is also a reference to the offence provision contained within the Localism Act, 2011 should a Member “knowingly or recklessly” make false or misleading information relating to a disclosable pecuniary interest. Again, the Committee is asked to note this document and to consider whether the same should be circulated to all Members (including co-opted representatives) of the Borough Council. This guide has also been sent for the information of Parish Councils within the Borough through the Parish Liaison Officer.

RECOMMENDATION

1. For the Committee to note and consider this report.

3. REVISIONS TO THE COUNCIL’S CODE OF CONDUCT

- 3.1 On 2nd August, 2012, the Borough Council adopted a revised Code of Conduct to comply with the Localism Act, 2011. Within Section 28(1) of the Act, it is indicated that a Code must be “consistent” with the seven “Nolan” Principles as established through the Committee on Standards in Public Life. The Committee in its fourteenth report published in January, 2013, changes the ‘descriptions’ behind those principles. The revised descriptions (with a new preamble) are as follows.

Principle	Revised description
Preamble	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally and all people appointed to work in the civil

service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness	Holders of public office should act solely in terms of the public interest.
Integrity	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honest	Holders of public office should be truthful.
Leadership	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- 3.2 It is therefore advised, that these revisions should now be incorporated within the Council's Code of Conduct. Furthermore, as the Council proceeds to a change in its governance arrangements, dialogue has taken place with representatives from the Department for Communities and Local Government. Those representatives disclosed that the Coalition Government would like to see reference within local authority Codes of Conduct to the offence provision as outlined within Section 34 of the Act. It is therefore also recommended that the following addition be made to the Council's Code of Conduct as follows;

‘OFFENCES

Under Section 34 of the Localism Act, 2011, a person commits an offence if, without reasonable excuse, that person fails to comply with an obligation imposed on them in respect of the disclosure of pecuniary interests on taking office and must disclose that interest (other than in the case of certain sensitive interests, to which a different procedure applies) or participate in any discussion or votes or takes any steps in contravention of the above. The person will therefore commit an offence if they provide information that is false or misleading and the person knows that that information is false or misleading or is reckless as to whether the information is true and not misleading. A person guilty of an offence under this Section is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000) and a Court may order the disqualification of that person from being or becoming a Member or Co-opted Member of a relevant authority for a period not exceeding five years.’

RECOMMENDATION

1. That the Committee considers the proposed amendments to the Council’s Constitution and thereafter makes recommendations to Council.

4. MATTER OF COMPLAINT – SC01/2012

- 4.1 A relevant authority, other than a Parish Council must have in place “arrangements” in which allegations of Member misconduct can be investigated and upon which decisions and allegations can be made. Relevant local authorities must also operate those arrangements on behalf of Parish Council’s. On 7th October, 2012 a complaint was received by the Council’s Monitoring Officer. Details of that complaint and the investigation which followed, are contained within the report to be considered in confidence as an exempt item (**Appendix 3) This item contains exempt information under of Schedule 12A of the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 1) Information relating to any individual, and (para 2) Information which is likely to reveal the identity of an individual.**

5. APPOINTMENT OF INDEPENDENT PERSON(S)

- 5.1 The Committee will be aware that its current composition of Independent Persons will effectively retire from their duties with effect from 30th June, 2013. A number of local authorities have made representations to the Secretary of State in order to seek some continuity in the appointment of the former Independent Members to become Independent Persons, again to conform with the provisions of the Localism Act, 2011. As previously

reported to the Standards Committee, on 17th July, 2012 the Secretary of State for Communities and Local Government indicated;

“A measure to prohibit any existing Members of the Council’s current Standards Committee from appointment as the Independent Person was put in place because the government wished to ensure a clear break with the old Standards Board regime”.

5.2 This communication also indicated (having regard to required “transitional provision”) the Government’s intention through a Statutory Instrument to allow appointments “made in the first year of the new arrangements (ie, until 30th June, 2013)”. The legislation requires that a relevant authority must include provision for the appointment “of at least one Independent Person”. Further, certain additional requirements are set out below;

- That the vacancy has been advertised in such a manner that the authority considers likely to bring it to the attention of the public,
- The person has submitted an application to fill the vacancy through the authority, and
- The person’s appointment has been approved by the majority of the Members of the authority.

5.3 There is also a general prohibition upon a person being an Independent Person if they have been a Member, Co-opted Member or Officer of the authority during the five years ending with the appointment. A joint advertisement with the Cleveland Fire Authority was placed in editions of the Hartlepool Mail and the Evening Gazette requesting completed applications to be submitted no later than 5th April, 2013.

5.4 The Committee have previously approved the “selection criteria” and “role description” of the ‘Independent Person’ and these documents are appended herewith (**Appendices 4 and 5**). The submitted application forms as received are also appended to this report as confidential items for the consideration of the Committee. **This item contains exempt information under of Schedule 12A of the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 1) Information relating to any individual, and (para 2) Information which is likely to reveal the identity of an individual.**

RECOMMENDATION

1. For the Committee to consider these applications, interview candidates and make such recommendations to Council, as deemed appropriate.



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Dear Hilary

Councillors and lobbying

Thank you for your letter of 11 March, further to the reports in the *Daily Telegraph* on planning and councillors' interests.

I entirely share your concerns and sentiments. I do not believe such conduct is widespread, although I suspect that any (extremely rare) practices in this regard date back to the previous standards regime.

Localism Act 2011

It is unacceptable for councillors to be receiving any form of payment to lobby their own council. Such behaviour is a clear breach of the Nolan Principles (embedded in the Localism Act), and we would expect such conflicts of interest to be prohibited in councils' own local codes of conduct, which the statute requires must be consistent with those principles.

Under the Act, councillors must also register their employment and any trade for profit or gain, and failure to do so is a criminal offence. It is a requirement in law for such registers to be online by the local authority. I have asked my officials to remind councils of this requirement.

My department's illustrative Code of Conduct¹ clearly states:

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

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

"You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest"

¹ <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

Bribery Act 2010

In addition, depending on the circumstances, the receipt of such payments to lobby could also constitute a criminal offence under the Bribery Act (which incorporates the previous Prevention of Corruption Acts).

Planning is a quasi-judicial and an administrative process. Payments to a councillor to misuse or abuse their privileged position in their local authority to induce favours or advantage to one party in that council's planning process could entail 'improper performance', by virtue of being a breach of the expectation of good faith by holders of public office and a breach of their position of trust.²

The Bribery Act also covers those who promise or provide such payments, be they consultancy firms or individuals. Those who offer financial advantage to any councillor to attempt to influence the planning process in their local authority are themselves potentially committing a criminal offence. It is no different than offering a bribe to a police officer – a practice that is both unacceptable and illegal.

Role of political parties

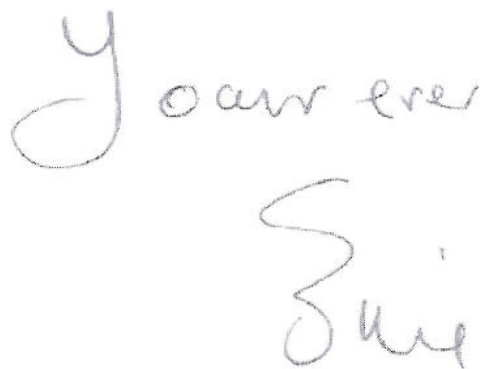
More broadly, separate to the law of the land, there is also a role for local and national political parties to promote high standards in public life, especially in relation to day to day conduct on avoiding conflicts of interest. I understand the Conservative Party has already taken firm action to suspend the party whip from one councillor. I would hope that political parties of other colours also take any necessary action in this regard, which would send an unambiguous signal on the expectation of high standards, especially in the planning process.

Councillors as local champions

Notwithstanding my comments above, I do believe it is important to have a sense of proportion in relation to recent reports. Instances of corruption in local government are, and remain, extremely rare. Whilst recognising the need for due process and a fair hearing, we must also protect the right of freedom of speech to allow councillors to champion their local residents: the narrow interpretation of pre-determination rules has previously been corrosive to local democracy.

Councillors are not full-time politicians: they can and should have outside jobs and interests. I believe the sunlight of transparency will be the best disinfectant.

Given your letter was issued to the press and given the broader public interest, I am placing this letter in the Library of the House of Commons.

A handwritten signature in blue ink, appearing to read 'Joanne'.

THE RT HON ERIC PICKLES MP

² http://www.cps.gov.uk/legal/a_to_c/bribery_act_2010/#a05



Department for
Communities and
Local Government

Openness and transparency on personal interests

A guide for councillors

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The Guide

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

Why are there new rules?

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

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

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

Does this affect me?

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

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

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

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

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

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

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

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

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

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

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

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

What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that 'Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships.**'⁴

³ <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

⁴ <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

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

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

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

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

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

What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and assets including land and property).

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

Do I have any disclosable pecuniary interests?

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

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

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

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

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

Who can see the register of members' interests?

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

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

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

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

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

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

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

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

What does having a disclosable pecuniary interest stop me doing?

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

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

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

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

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

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

Do I need a dispensation to take part in the business of setting council tax or a precept?

Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.

If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

When and how can I apply for a dispensation?

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

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

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

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

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

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

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

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

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

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

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

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

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

Annex A

Description of Disclosable Pecuniary Interests

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

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

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