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Standards Committee

Wednesday, 28th September, 2022

6.00 pm

Meeting Room A

AGENDA

1. **Welcome and Apologies**
2. **Declarations of Interest**
Declarations of Interest 2
3. **Minutes of the Previous Meeting**
Minutes of Previous Meeting 3 - 7
4. **Review Code of Conduct**
Members Code of Conduct Review 8 - 20
Code of Conduct for Members 2021
5. **Blackburn with Darwen Borough Council Values**
For the Committee to receive a presentation on the Council Values
6. **Discussion on any proposed changes to the Code of Conduct**
To discuss any proposed changes on the Code of Conduct
7. **Complaints Update**
For the Deputy Director of Legal & Governance to give a verbal update on the complaints received regarding Members conduct.

Date Published: 20th September 2022
Denise Park, Chief Executive

**DECLARATIONS OF INTEREST IN
ITEMS ON THIS AGENDA**

Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.

Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.

MEETING: **STANDARDS COMMITTEE**

DATE:
AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)

STANDARDS COMMITTEE Wednesday, 29 June 2022

PRESENT – Councillors, P Akhtar (Chair), L Salton (Vice Chair) S Ali, J Casey, K Connor, S Desai, and N Slater.

Independent – Paul Fletcher

OFFICERS – Asad Laher, Shannon Gardiner and Jill Readfern

RESOLUTIONS

1 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Elaine Whittingham, Miranda Carruthers-Watt and Alan Eastwood.

2 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 30th March 2022 be agreed and signed as a correct record.

3 **Declaration of Interest**

RESOLVED – There were no Declarations of Interest received.

4 **Membership for Standards Committee**

The Committee discussed the membership of the Standards Committee and that it was made up of 9 Blackburn with Darwen Borough Councillors, 2 Independent Members, 2 independent Persons and 2 Parish Councillors.

The Deputy Director of Legal and Governance, Asad Laher, informed the Committee that 1 Independent Member and Parish Councillor had been absent from the Standards Committee for a number of meetings and asked if they should recruit new members. The Committee agreed that the absent members would be contacted a final time to ask if they wish to stay on the Standards Committee.

The Committee also needed a second Parish Councillor Representative to join the committee. It was noted that the Members would ask their Parish Councils for volunteers alongside Officers writing out to all Parish's regarding the position.

RESOLVED –

- That the Officers would write to the absent members regarding their membership on the Standards Committee
- That all Parish Councils would be informed of the vacancy and be invited to apply

5 Standards Arrangements

The Committee received a presentation from Asad Laher on the Standards Arrangements.

The presentation covered what the Standards Committee was, the importance of the Committee and what it stood for. It was presented that the role of the Standards Committee was to promote and maintain high standards of conduct, to review the Code, Member development, dispensations and to appoint Hearing Panels.

The Committee was established in 2012 and had a membership of 9 Blackburn with Darwen Borough Council Members, 2 Parish/Town Council, 2 Independent Members and Independent Persons. Only the Blackburn with Darwen Members have the right to vote.

The presentation also covered other areas of the Standards Committee such as;

- Predetermination
- The Localism Act 2011
- Code of conduct
- Register of Interests
- Registration
- Disclosure of Interests including Sensitive Interests
- Dispensations
- Sanctions
- Investigating and determining complaints

RESOLVED –

- That the presentation be noted

6 Member Training 2022/2023

The Committee reviewed the Member Training 2021/22 and considered the training programme for 2022/23.

The Council offered online MeLearning E-learning facility as part of a blended approach to learning, which the Committee had previously endorsed. The MeLearning portal had a selection of courses available to all Members. On-line training (via MeLearning and MS Team presentations) provided a vital training method during the pandemic for ensuring members kept up to date with key areas of their role.

In addition to the constitutional requirement for elected members sitting on Planning & Highways and Licensing Committees, three other essential training courses were made available online specifically for councillors:

- Civil Contingencies for Elected Members
- DOJO Cyber Security Awareness
- Information Governance for Elected Members

All elected members were expected to undertake and refresh their training in the above three areas. The Committee was requested to consider the continuation of the essential courses relating to Information Governance and

DOJO Cyber Security Awareness, and method of learning that best delivers the outcomes. The Committee were aware of the importance of these courses for both officer and councillors who use the Council's IT systems to undertake their roles.

The Committee also recommended previously that all elected members should undertake the equality and diversity training & workshop, which would be an externally arranged in-person event. This had to be postponed due to the Covid-19 restrictions but can now continue at a future date in 2022/23.

The MeLearning portal offered a number of generic e-courses available to elected members and staff, produced by the Local Government Association (LGA) specifically targeted at Councillors. These relevant courses can be accessed by Members at any time and at their convenience.

The committee discussed the mandatory training courses and raised that if a Member did not undertake the training that were no sanctions or consequences enforced.

The Chair of the committee stressed the importance of these training courses and encouraged Members to undertake the training by the end of August. The training courses were provided to benefit Members and to also protect them. The Members agreed that hybrid training was the best approach as it reduced travel and Members could undertake training from the comfort of their own homes.

RESOLVED –

- That the Equality and Diversity training would be delivered in person be noted
- That the training programme delivered in 2021/22 was reviewed and the training programme for 2022/23 was considered
- That the Members of the committee should complete the following training modules by the next meeting on 28th September 2022;
 - Civil Contingencies for Elected Members
 - DOJO Cyber Security Awareness
 - Information Governance for Elected Members

7 Standards Committee Work Programme

The Committee discussed its work programme for 2022/23. The Standard's Committee's role and function included monitoring the operation of the Council's standards arrangements and to make such recommendations to the Council as the Committee considers appropriate with respect to:

- The promotion and maintenance of high standards in the conduct of council and Parish/Town Councils business, and in the conduct of Members;
- The maintenance and review of a Code of Conduct for Members of the Council, together with such other code, procedure, protocol or guidance as the Committee considers to be appropriate and to make recommendations to the Council on such codes and regulations;

- The provision of training, guidance and assistance for Members in relation to the Council's Code of Conduct for Members and any other such code, procedure or protocol.

Although there has been some disruption in the schedule of meetings due to the Covid restrictions, the Standards Committee had considered personal safety for members, which remained a continuing concern with the number of incidents of abuse via social media or direct physical confrontations being noted nationally as on the increase.

During 2022/23, the Committee also considered the virtual meetings Member Protocol, petitions advice for councillors and a review of the arrangements for the registration of member interests.

The Monitoring Officer had received a number of complaints against members during 2021/22 many of which related to the use of social media. The Committee considered the issues around social media and how further training and guidance would be beneficial for Members and agreed to include social media in the work programme 2022/23.

The Chair of the committee also suggested a further review of the code of conduct which was subsequently approved by Full Council to continue with local updated code of conduct in March 2021.

RESOLVED –

- That training and guidance for Members on social media be included in the 2022/23 work programme
- That a review of the code of conduct be included in the 2022/23 work programme

8 DBS Checks for Councillors

A report was submitted to the committee to advise Members in relation to the DBS (Disclosure and Barring Service) check for councillors.

In July 2019 it was agreed that that all Councillors would be required to undertake a DBS check appropriate to their role, either standard or enhanced. The Governance team have assisted Members with the application process however it remains the individual Members responsibility to ensure that they had the necessary current DBS certificate. Although there was no specific legal requirement to undertake DBS checks on elected members, the council can lawfully decide to introduce it.

The DBS certificate is valid for four years and the majority of Councillors have a valid DBS certificate. Checks are required for newly elected Councillors and the Governance team will check that all other Members have current certificates. The Standards Committee will receive regular updates on DBS checks.

All DBS checks by the Council need to be in accordance with The Protection of Freedoms Act 2012. The DBS policy has been developed to ensure

lawfulness and transparency in the Council's procedures when undertaking DBS checks for elected Members and it also promotes greater public confidence in the role of councillors.

RESOLVED –

- That the Committee noted the Governance Team will check all Members have a current DBS certificate and assist any newly elected Councillors in from May 2022 with the application process

9 Complaints Update

The Monitoring Officer updated the Committee on complaints received regarding Members conduct under the Arrangements for dealing with complaints about the Code of Conduct for Members since March 2022.

The Monitoring Officer had received one complaint from a member of staff regarding a councillor. The councillor had undertaken some maintenance work within the Borough. The complaint was coming to a conclusion and should be resolved in the next couple of weeks.

RESOLVED – That the update report be noted.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed



REPORT OF:	The Monitoring Officer
TO:	Standards Committee
ON:	28 September 2022

SUBJECT: Members Code of Conduct - Review

1. PURPOSE OF THE REPORT

To consider the new Council values and behaviours and review the Members Code of Conduct.

2. RECOMMENDATIONS

The Committee is asked to consider and review the Members Code of Conduct and recommend any amendments to full Council approval.

3. BACKGROUND

Section 27 of the Localism Act 2011 (“the Act”) requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. To assist, it must adopt a Code of Conduct for Members that is consistent with the Nolan principles of *selflessness, integrity, objectivity, accountability, openness, honesty and leadership*. The Code must also cover provisions to regulate “*disclosable pecuniary interests*” and “*other interests*” which non-disclosable pecuniary interests. The Council adopted a new Code at its meeting on 30 August 2012 and since then there have been minor amendments approved following recommendations by the Standards Committee. The Committee also considered the LGA draft Model Code of Conduct 2020 at its meeting on 20 July 2020 ([Consultation on Draft Model Code of Conduct final.pdf \(blackburn.gov.uk\)](#)) and the recommendations made in the Committee on Standards in Public Life report on local government ethical standards, in January 2021 ([Local Government Ethical Standards Report.pdf \(blackburn.gov.uk\)](#)). The Committee resolved to not to adopt LGA Model Councillor Code of Conduct 2020 but to update the local Code of Conduct, and update the local Arrangements for dealing with Complaints about the Code of Conduct for Members reflecting the Committee on Standards in Public Life best practice recommendations. The current Members Code of Conduct is contained in the **Appendix**.

The Standard’s Committee’s role and function as delegated by the Council is contained in the constitution. It includes assisting councillors and co-opted members to observe the Code of Conduct. The Committee also has a function to monitor the operation of the Council’s standards arrangements and make appropriate recommendations to the Council as it considers appropriate with respect to the maintenance and review of the Code, together with such other codes, procedure, protocol or guidance as the committee considers appropriate.

The Council has recently developed its organisational values: *Trust, Respect, Ambition, Collaboration, Kindness*. Work is currently being undertaken to cascade and embed these values across the organisation, and the review of the Code could also include adding these values to the General Principles (also known as the Nolan principles) that underpins the obligations under the Code. A special Member Training session has been arranged on 12 October 2022 that will present the Council's organisational values and behaviours, and how it underpins the Code and relates to the Standards arrangements adopted by the Council.

4. RATIONALE

As outlined in the report, the Standards Committee has a role to promote and maintain high standards of conduct by councillors and co-opted members, and to assist councillors and co-opted members to observe the Members Code of Conduct. It also has the role to maintain and review a Code of Conduct for Members of the Council. The Council has developed its organisational values, which should be linked in the review of the Members Code of Conduct.

5. LEGAL IMPLICATIONS

The legal framework in relation to the Members Code of Conduct is referred to in this report. The current Council Code of Conduct and complaint processes was adopted in line with the Council's obligations under section 27 (2) of the Localism Act 2011 and complies with the requirements under section 28 of the Act. Any recommendations for revisions to the current Code of Conduct would be subject to approval by full Council.

6. POLICY IMPLICATIONS

A governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence.

7. FINANCIAL IMPLICATIONS

None.

8. CONSULTATIONS

The Standards Committee regularly discusses the Council's arrangements for promoting and maintaining high standards of conduct, It has previously considered the LGA Model Code and the recommendations contained in the Committee on Standards in Public Life report on local government ethical standards, and recommended changes to the Code. A Member Training session on 'New Values & Behaviours' has been arranged on 12 October 2022, which will further inform the review of the Code.

Chief Officer/Member

Contact Officer: Asad Laher, Deputy Director – Legal & Governance and Monitoring Officer.

Date: 15th September 2022

Background Papers: None

Section 1 Members Code of Conduct

Code of Conduct for Members and Guidance

1. Introduction

The Council is determined to provide excellent local government for the people of the Borough. It promotes and maintains high standards of conduct by Members and Co-opted Members and has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011. To help Members understand their conduct responsibilities, they should make sure they read and understand the General Principles below

2. General Principles of Conduct for Members and Co-opted Members

Members and co-opted Members must behave according to the highest standards of personal conduct in everything they do as a Member. In particular, they must observe the following principles of conduct, some of which are set out in law.

2.1 Selflessness

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

2.2 Honesty and Integrity

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

2.3 Objectivity

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

2.4 Accountability

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

2.5 Openness

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

2.6 **Personal Judgement**

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

2.7 **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.

2.8 **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.

2.9 **Stewardship**

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

2.10 **Leadership**

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

3. **Training**

Each Member must attend annual training on the Code of Conduct/ethical standards, in addition to any current requirements to receive training for specific Committees, for example Planning & Highways or Licensing Committees.

THE CODE OF CONDUCT

Part 1

GENERAL PROVISIONS

1. Introduction and interpretation

- 1.1 This Code applies to you as a member of the Council.
- 1.2 It is your responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and /or disqualification from office for a period of up to 5 years.
- 1.3 In this Code: -
- 1.3.1 “meeting” means any meeting of:
- (a) the Council;
 - (b) any of the Council’s committees or sub-committees, joint committees or joint sub-committees;
- 1.3.2 “member” includes a co-opted member and an appointed member.

2. Scope

- 2.1 The Code of Conduct applies to you:
- (a) Whenever you act in your official capacity, including whenever you conduct the business of your authority or act, claim to act or give the impression you are acting, in your official capacity or as a representative of your authority;
 - (b) At any time, where your conduct has led to a criminal conviction. However, the Code of Conduct does not apply to your private life.
- 2.2 Where you act as a representative of the Council—
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

- 3.1 You must not:
- (a) do anything which may knowingly cause your authority to breach the Equality Act 2010;

- (b) bully, harass or be abusive to any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

Definitions and Examples

Bullying is a particular form of harassment and may be characterised as persistent, offensive, intimidating, malicious or insulting behaviour, possibly through an abuse or misuse of position or power where the intention or outcome is to undermine, humiliate, denigrate or injure the recipient. Examples of bullying include: shouting at others in public or in private; personal insults; ignoring or excluding individuals; persistent, excessive, unfair or unjustified criticism; setting impossible deadlines or targets/objectives or making inconsistent demands. This list is not exhaustive.

Harassment is, in general terms, unwanted, unreasonable and offensive conduct affecting the dignity of the individual. It includes verbal, non-verbal and physical conduct that may be related to age, gender, race, disability, sexual orientation, religion and belief, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. Examples of harassment include: unwanted physical contact, offensive jokes or banter, offensive emails, pictures or graffiti, unwelcome sexual advances, exclusion and victimisation. This list is not exhaustive.

Victimisation is treating someone less favourably than others because the individual has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. Examples include: Isolating someone because the individual has made a complaint or treating them differently.

4. You must not:

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

- (b) made in good faith and in compliance with the reasonable requirements of the Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.
- 5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
- 6. You:
 - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority:
 - (i) act in accordance with the Council's reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by
 - (a) The Council's chief finance officer; or
 - (b) The Council's monitoring officer,

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

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

Part 2

DISCLOSABLE PECUNIARY INTERESTS

8. Disclosable Pecuniary Interests" are defined from time to time by the Secretary of State in Regulations. The Regulations current at the time of adoption of this Code are The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and are set out below.

A 'disclosable 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:

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	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 authority) made or provided within 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.</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.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>

Definitions

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“meeting” means any meeting of the Council, the Executive, any of the Council’s or Executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees.

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

9. Registering and declaring Disclosable Pecuniary Interests

- 9.1 You must, within 28 days of your election or appointment to office as a member or co-opted member notify the Council’s Monitoring officer of any Disclosable Pecuniary Interests you have (see paragraph 8 above)
- 9.2 You must, notify the Council’s Monitoring Officer within 28 days of becoming aware of any changes to a Disclosable Pecuniary Interest previously notified or of any new Disclosable Pecuniary Interest not previously notified, and provide an update to the Monitoring Officer once every 12 months.
- 9.3 If a Disclosable Pecuniary Interest, has not been entered onto the Council’s register, then the member or co-opted member must disclose the interest to any meeting of the Council at which they are present, where they have a Disclosable Pecuniary Interest and where the matter is not a “sensitive interest”.
- 9.4 Following disclosure of a Disclosable Pecuniary Interest not on the Council’s register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 9.5 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a Disclosable Pecuniary Interest.
- 9.6 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

10 Sensitive Interests

Where you consider that disclosure of the details of a Disclosable Pecuniary 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 a Disclosable Pecuniary Interest, the details of which are withheld under Section 32(2) of the Localism Act 2011

11 Effect of Disclosable Pecuniary Interests on Participation

11.1 If you are present at a meeting of the authority and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered at the meeting:

- (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 matter of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition the Council Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place

11.2 Where an Executive Member discharging a function alone and becomes aware of a Disclosable Pecuniary Interest in a matter being dealt with or to be dealt with by him/her, the Executive Member must notify the Monitoring Officer of the Interest and must not take any steps or further steps in the matter

12 Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter on which you have a Disclosable Pecuniary Interest

13 Offences

It is a criminal offence to:

- Fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election
- Fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest
- As an Executive Member discharging a function, acting alone, and having a Disclosable Pecuniary Interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Part 3

OTHER INTERESTS

14 Notification of Other Interests

- 14.1 In addition to Disclosable Pecuniary Interests you must, within 28 days of your election or appointment to office as a member or co-opted member notify the Monitoring Officer in writing of details of your interests within the following categories, for inclusion in the register of interests:
- (a) Details of any body of which you are a member or in a position of general control or management to which you are appointed or nominated by your authority;
 - (b) Details of any body exercising functions of a public nature, any body directed to charitable purposes or any body 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;
 - (c) Details of any gift or hospitality with an estimated value of at least £25 that you have received in connection with your role as a member of the Council, and details of the donor
- 14.2 You must, within 28 days of becoming aware of any new interest or change to any interest registered under this paragraph notify the Monitoring Officer of the details of that new interest or change.
- 14.3 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.
- 14.4 Where a Disclosable Pecuniary Interest is notified to the Monitoring Officer under Part 2, paragraph 9 above it need not be separately notified or separately registered again as an interest under this Part 3 of the Code.

15 Disclosure of Other Interests

- 15.1 Subject to 15.2 to 15.5, where you have an interest described in paragraph 14 above or in 15.2 below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of that 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.
- 15.2 You have an interest in any business of your authority 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 member of your family or any person with whom you have a close association.
- 15.3 Where you have an interest in any business of the authority of the type mentioned in paragraph 14(c), (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

- 15.4 Where you have an interest by virtue of paragraph 14 but, by virtue of paragraph 17 below, (Sensitive interests) relating to it is not registered in the register of members' interests, you must indicate to the meeting that you have an interest, but need not disclose the sensitive information to the meeting.
- 15.5 Where you have an interest in any business of your authority by virtue of paragraph 14 or 15.2, 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.

16 Non participation in case of certain other interests

- 16.1 Where you have an interest in any business of your authority by virtue of paragraph 14 or 15.2 **AND** 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 judgment of the public interest **AND** where that business:
- (a) affects your financial position or the financial position of a person or body through whom the interest arises; or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises,

you may not participate in any discussion of the matter at the meeting, and you may not participate in any vote taken on the matter at the meeting.

Note: In addition, the Council Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.

- 16.2 Where you have an interest in any business of your authority to which paragraph 16.1 applies, 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 provided that you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 16.3 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have an interest under paragraph 16.1 that relates to the functions of your authority in respect of:
- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (b) an allowance, payment or indemnity given to members;
 - (c) any ceremonial honour given to members; and
 - (d) setting council tax or a precept under the Local Government Finance Act 1992.
- 16.4 Where, as an Executive Member, you may discharge a function alone, and you become aware of an interest under paragraph 16.1 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.

17 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.