

CONDUCT COMMITTEE

7 October 2014

REVIEW OF MEMBER CODE OF CONDUCT

Report of the Monitoring Officer

STRATEGIC AIM:	Relevant to all aims.
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1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the background and issues concerning the Council's Code of Conduct for Members to allow for consideration of revision of the Code.

2. RECOMMENDATIONS

2.1 It is recommended that

(a) Members consider the appropriateness, effectiveness and level of understanding of the current code of conduct for members; and

(b) in doing so, Members consider recommending to Council that the following changes be made:

- (i) The description of the seven principles should be directly incorporated into the wording of the Code (if this was not the effect of the Committee's decision of 28th January 2014 and adopted by full Council)
- (ii) In considering re-wording of the Code, if the existing provisions are to be retained, it should follow subject areas.
- (iii) Provision should be made in the Code for the action that a Member is to take when a non-registerable interest arises in a matter. Alternatively, the other interests contained in Schedule 2 to the Code should be removed bar interests arising in relation to gifts or hospitality.

3. CONTEXT

- 3.1 Since adoption of the revised Code of Conduct was approved by Council on 11 June 2012, a number of changes were suggested to the Code at the Council meeting in September 2012, which were delegated to the Constitution Review Working Group (CRWG) for consideration. In August 2013, having considered these amendments, the CRWG decided to retain the Code as approved by Council.
- 3.2 At the Conduct Committee of 28 January 2014, the intention was expressed that the Code should be reviewed again, given the time it has now been in place. Members are now invited to undertake that review.

4. BACKGROUND

- 4.1 Rutland County Council adopted the Code Code of Conduct in 2012 in response to the Localism Act 2011, which did away with the previous regime and oversight of Standards for England.
- 4.2 Instead, councils were free to draft their own code of conduct provided that it was, when viewed as a whole, consistent with the seven principles of public life (sometimes known as the Nolan Principles as purported by Lord Nolan as then Chair of the Committee on Standards in Public Life).
- 4.3 Similarly, councils were free to define what interests were to be registered and how Members were to act when a conflict of interests arose, provided that there was a minimum standard set by the introduction of 'disclosable pecuniary interests', failure to abide by which was now a criminal offence.
- 4.4 Despite the lobbying of local government and a grant of an extension of the time period allowed, many councils felt there was insufficient time allowed to adopt a new code.
- 4.5 In terms of general conduct, three template codes were generally available to councils. The pre-existing general provisions of the previously mandatory code, a template produced by the Local Govt Association and an indicative code produced by DCLG. The LGA template differed from the previous code as it attempted to move away from a list of 'do's and don'ts' to be briefer and more purposive. The DCLG indicative code was, in essence, a simple repetition of the seven principles.
- 4.6 Of those councils who adopted one of these three codes directly, about half re-adopted the previous code, a third the LGA template and the remaining seventh the indicative DCLG code. The remainder of councils produced a bespoke code but largely as a variation of the above.
- 4.7 In terms of interests, some councils have done away with any registration or declaration of interest provisions beyond DPIs. These councils rely on the common law on bias to guide decision makers at meetings, placing the responsibility on the meeting as a whole and an individual member's part in that meeting rather than relying on the separate discipline of a Code. Others have continued with the pre-existing system. These councils feel that it is better to spell out what bias may look like and place responsibility for actions on the individual councillors.

- 4.8 By contrast, Scotland and Wales continued with their pre-existing systems, with casework undertaken by a central body. The mandatory Welsh Code is similar to the pre-existing English code. The mandatory Scottish Code is more detailed and is similar to the national code across local government pre-2000.

5. KEY ISSUES

- 5.1 The drafting of the Code adopted by Rutland CC took the line of adopting the pre-existing code of conduct in terms of general behaviour, but re-organised under the headings of the seven principles. In terms of interests, Rutland Council similarly largely adopted the pre-existing position but with some exceptions, namely concerning non-registerable interests and interests associated with friends and family.
- 5.2 The Committee on Standards in Public Life has redefined the seven principles. Of particular note, the definition of 'integrity' has been redefined to require declaration and resolution of interests where an interest in an issue could lead to financial gain or other material benefits for themselves, their family, or their friends. This approach was picked up in the DCLG guide re-issued for councillors when dealing with interests.
- 5.3 At an officer level, three issues with the Code as adopted by Rutland CC have come to light. These are:
1. The Code does not as yet fully incorporate the descriptive wording of the seven principles of public life, as defined by the CSPL, but merely makes reference to them.
 2. The re-wording of the general provisions of the Code under the heading of one of the Principles, rather than by subject, is felt to confuse matters.
 3. The interest provisions of the Code leaves out any reference to friends and family (other than one's spouse or partner) and, as it is otherwise quite comprehensive and strong, this may be misleading.

6. RISK MANAGEMENT

RISK	IMPACT	COMMENTS
Time	Low	The timing of the review is not critical to the functioning of the Council
Viability	Low	
Finance	Low	
Profile	High	The conduct of Members, their knowledge of ethical behaviours and the law on decision making and the public's perception of ethical behaviour is key to the reputation of the Authority
Equality	Low	An initial equality impact assessment has been

and Diversity		completed and there are no matters arising that require consideration relating to the proposals in this report.
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7. APPENDICES

Appendix 1: Background Paper
 Appendix 2: Revised principles
 Appendix 3: LGA template
 Appendix 4: Welsh Code
 Appendix 5: Example expanded code concerning other interests

Background Papers

Background File Ref: XXXXXX

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BACKGROUND AND CONTEXT

1. Pre- 2000
 - 1.1 Prior to 2001 member conduct was largely self regulated by political groups or the political process.
 - 1.2 Members were subject to legislation providing that they must declare pecuniary interests, not take part in the consideration of matters in which they had an interest and not vote on them. Breach was a criminal offence for which the penalty was a fine.
 - 1.3 Members were also subject to a National Code of Local Government Conduct, contained in a Government Circular, which set out complex rules concerning non-pecuniary interests and a number of general obligations. A complaint about the conduct of a member could be made to the Local Government Ombudsman (LGO), although the LGO's focus was whether the conduct resulted in maladministration causing injustice. If a complaint was upheld, the Member would be named in the LGO's report to the Council, which was then published.
 - 1.4 The National Code of Local Government Conduct was first issued in 1975, in the wake of the Poulson scandal and following on from the recommendations of the two Royal Commissions which investigated the affair. In 1990, in response to recommendations made four years earlier by the Committee of Inquiry into the Conduct of Local Authority Business (the Widdecombe Report), the National Code was given statutory authority and breaches became *prima facie* evidence of maladministration.
 - 1.5 The main disciplinary option open to the corporation or government was surcharge. This action was undertaken only by the District Auditor and was a demand whereby a Member was required to pay back any money to the public purse that was considered to have been lost directly due to their wilful wasteful act. The most famous example of this was the surcharge placed upon Dame Shirley Porter of Westminster City Council.
2. Nolan report
 - 2.1 In 1997, when the Committee on Standards in Public Life reviewed the operation of the National Code, it found that it had become almost unworkable - "impenetrable in parts and inconsistent in others" - and that "scarcely anyone had a good word to say" about it.
 - 2.2 That said, overall the Committee held up the local government approach as commendable and found that the vast majority of councillors and officers observed high standards of conduct. The report concluded, however, that matters could be

improved and that it was important that mechanisms were put in place to prevent misconduct and to deal with it effectively.

3. Post 2000

- 3.1 The Government broadly accepted the Committee's analysis and recommendations although the White Paper which followed in 1998 and the subsequent legislation differed in one significant area. Whereas the Committee on Standards in Public Life had favoured a high degree of local regulation of standards of conduct, the Government proposed the establishment of a national, independent Standards Board for England to receive and investigate complaints under the new framework.
- 3.2 This resulted in a new statutory framework concerning that
- The Secretary of state was empowered to specify principles of conduct for members and to issue a code of conduct for members and co-opted members.
 - The duty of principal authorities to establish a standards committee
 - Creation of the Standards Board for England (SBE) to receive, investigate and make initial decisions on complaints of a breach (the LGO in Wales and a Standards Commission in Scotland)
 - An Adjudication Panel (a First Tier Tribunal of the Administrative Court), to make decisions of up to removal as a councillor
 - Additional duties upon monitoring officers concerning this process
 - Revoking the old National Code, the criminal offence concerning disclosure of interests and the removal of the potential for surcharge, arguing that these had all been replaced by the new system.
- 3.3 The model code of conduct was issued in 2001, although this was not a model but in effect a mandatory code. England, Wales and Scotland each had slightly different Codes but to the same or similar effect.
- 3.4 Commentators set out a number of criticisms, namely that the SBE was not equipped to deal with the number of complaints and certainly not with parish councils, that the lack of local engagement meant that the system quickly got used for playing out personal and political bickering and tit for tat matters rather than what it was intended for. With backdated unresolved cases mounting, many of which were vexatious, and some high profile early cases that were handled badly, the former standards regime came under intense public and Parliamentary criticism.
- 3.5 Amendments were made to localise the former standards regime after 2007 but by then this did little to alleviate a generally poor reputation of the whole system.
- 3.6 There is a view that the system was partly designed as part of a wider review, including the setting up of the CSPF, as a response to the parliamentary 'cash for questions' scandals of the mid 1990's. This reflects the changes in the 1970's and the Widdecombe report changes in late 1980's being as a result of their public scandals of the time. This system was, therefore, as much about being a public relations message as it was to deal with any of local government's actual conduct issues.

THE CURRENT FRAMEWORK

4. The Localism Act Requirements

- 4.1 The Localism Act 2011 has a stated goal to take matters back to their largely pre-2000 state. The drafting has resulted, however, in a number of gaps and has in effect take matters back further. The removal of a National Code and the Ombudsman's involvement goes back to the late 1980's (mid-way through implementation of the Widdecombe report's implementation by the then government). The removal of surcharge and the District auditor's role arguably takes matters back to before the late 1920's.
- 4.2 It is worth noting that the Localism Act changes apply to England only and the member conduct system in Wales and in Scotland remain largely as per the post 2000 system here.
- 4.3 What the Localism Act puts in place is a regime that may result in a criminal offence where a Member involves him or herself in a matter where they or their spouse have a direct pecuniary interest. Other potential misconduct, in the form of inappropriate conflicts of interest or unacceptable behaviour, are dealt with through a local code of conduct and breaches can be dealt with by the Council through local arrangements that involve the input of an independent person and potentially may result in public censure following a public hearing.
- 4.4 There also remains in place, for those few very serious wrongdoings by councillors, the potential of action directly against a councillor for breach of trust by their Council and the available criminal offences under the Bribery Act and the common law offence of misconduct (misfeasance) in public office.
- 4.5 The Localism Act required that the Council must promote and maintain high standards of conduct by members and co-opted members of the authority and in discharging that duty the Council must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
- 4.5 The Council must also secure that their code of conduct is, when viewed as a whole, consistent with the following principles—
 - (a) selflessness;
 - (b) integrity;
 - (c) objectivity;
 - (d) accountability;
 - (e) openness;
 - (f) honesty; and
 - (g) leadership.

Together these are often known as the 'Nolan Principles', derived from the originating report of Committee on Standards in Public Life and then chaired by Lord Nolan.

- 4.6 Inclusion of any specific other interests beyond a DPI is left as a matter for the Council.

NATIONAL UPDATES AND GUIDANCE DURING 2013

5 The Principles

- 5.1 The Committee on Standards in Public Life (CSPL) continues in its role, which is to advise the Prime Minister on ethical standards across the whole of public life in the UK. It monitors and reports on issues relating to the standards of conduct of all public office holders. Its status is as an independent advisory non-departmental public body, whose secretariat and budget are provided by the Cabinet Office.
- 5.2 The CSPL's fourteenth report was issued in January 2013. This was undertaken as "A review of best practice in promoting good behaviour in public life". The key outcome from this for local government was the revision of the description applied to the seven principles.
- 1.2 The updated principles are attached as Appendix A.
- 1.3 **It is recommended** that these amendments are incorporated in to the preamble of any revised Code of Conduct

6. Government Guidance: "Openness and transparency on personal interests - A guide for councillors"

- 6.1 The Government produced a guidance document for councillors on personal interests, which was updated and re-issued in March 2013 to recognise the revised descriptions to the principles. A further minor amendment was made in September 2014. The document is intended to give basic practical information about how to be open and transparent about one's personal interests.
- 6.2 This sets out also the choices open to Councils when adopting a local code.
- a) *"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."*
- b) *"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"...
"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."*
- c) *"Where your council's or authority's standing orders require this, you must leave the room."*

6.3 It is also appears to be at odds with itself in places when the legislation and stated policy do not necessarily stand up to close scrutiny. This is a problem most councils have had to wrestle with. The guidance refers to two major issues and two minor irritants.

- The DCLG indicative code and the guidance text provides guidance for Disclosable Pecuniary Interests only, but does note that that does not account for any interest beyond the immediate interests of the Member and their spouse/civil partner. The guidance and advises:
 - *“They [Members] 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.**”*
- There is a similar approach in terms of remaining or not in the chamber where there is an interest.
 - *“Even where there are no such standing orders [requiring that you leave the room], 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. “*
- The law is quite clear that a DPI is only required to be registered, unless it is a matter before the Council, in the period after a Member is elected. The hiatus caused by this oversight is handled by the statement that:
 - *“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.”*
- The DPI provisions contain no general exemptions in the way that there used to be in respect of budget setting, school transport, etc., It was presumed by many that it was left it to a local regime to deal with. When legal advice was circulated that these generic exemptions should be put in place locally, and some members quite rightly complained, the response was that it is gold plating and that *“Council tax liability applies to the generality of the population, councillors have no unique position in that regard”*. The letter and guidance, in repeating this in a clarified form in the guidance below, in effect replaces general exemptions with the concept of de minimis (the principle that trivial matters may be disregarded). Whilst this is a view many of us would agree with, it is missing as an expression of the Act, leaving some to feel vulnerable, and is therefore another factor to bear in mind.
 - An entry on the register of interests as a homeowner or tenant is dealt with in the statement that it *“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.”*

- 6.4 **It is recommended** that this guidance and the issues accordingly raised are considered in reviewing the Code of Conduct.

REVIEW OF THE CODE OF CONDUCT

7. Rutland County Council's Code of Conduct for Members

- 7.1 Rutland County Council adopted a code of conduct largely based on a version of the general principles under the previous Code. The main difference being that the new version grouped the expected behaviours under the seven principles.
- 7.2 The Council established a register of interests and a set of arrangements to deal with conduct complaints in accordance with the parameters of the Localism Act.
- 7.3 Like most Council's, the short period given to implementation this part of the Localism Act would have led to something of a rush to meet the deadline and, in line with many other authorities, the Council has considered it wise to review the Code and the arrangements after this time lapse.

8. **National Picture - Types of Code**

- 8.1 Three model codes were produced by national bodies – the LGA template, the DCLG indicative code and a NALC code.
- 8.2 The NALC code is a simplified variant of the old code aimed at parish councils and is largely 'rules-based'.
- 8.3 The DCLG and LGA codes move away from this approach and are more 'principles-based'.
- 8.4 Some codes have sought to combine both the old code and the DCLG/LGA code into a longer code
- 8.5 To reduce duplication of effort and to allow later shared working, training and understanding, there has tended to be a number of attempts to agree a uniform approach agreed across particular areas, either for all authorities within a county (including districts and parishes) to adopt the same code, or else for the district and its parishes to adopt one code, with the County adopting another. This was largely successful and a number of counties/areas have now adopted what they call a local code, the x shire code, as was the planned approach in Cambridgeshire. As is the case across the board, these shared codes vary very little from one of the models.
- 8.6 The Committee on Standards in Public Life carried out a survey in June 2012.

<i>Form of Code of Conduct</i>	<i>Response by numbers (from 159)</i>	<i>Response by percentage</i>	<i>Response by percentage of those authorities</i>
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	<i>that had adopted a code at this point</i>		
Code based on model produced by the LGA	15	9%	17%
Code based on example produced by DCLG	7	4%	1%
Reuse existing model code	22	14%	26%
Bespoke	42	27%	49%
Have yet to adopt a new code	73	46%	-

- 8.7 Whilst early on, the balance shown from data collected by Hoey Ainscough does seem to have also been borne out in the later adoptions. That is, most councils have adopted a version of the existing general principles section of the old code, about half as many have adopted the LGA template and a few only have adopted the DCLG's indicative bare principles. Geographically, however, there is a greater concentration of the LGA template and DCLG indicative model in the South of England than in the Midlands or the North of England.

9. General Provisions within the code

- 9.1 Where councils have adopted a code based on the old code, they have generally kept it 'as is' but with the addition of statutory provisions relating to DPIs and some of the other interests. This is the case with Rutland's Code
- 9.2 Where councils have trimmed down the old code, typically they have removed provisions relating to disrepute and, to a lesser extent, disrespect as these were seen as the cause of trivial or vexatious complaints.
- 9.3 Where councils have adopted the DCLG/LGA code 'disrespectful/bullying' behaviour and provisions relating to confidential information seem to be the areas where gaps are most clearly felt.
- 9.4 Where there are gaps in codes the Nolan Principles are being used instead when assessing whether there has been a breach of the code.

10. Interests Provisions

- 10.1 Most councils have gone beyond the statutory minimum provisions of the DPIs and included a section on 'other interests' in their code.

- 10.2 These tend to reflect the old 'prejudicial interest' tests as to whether a Member has an interest or not. There has been no standard practice as to this, however, and sometimes inconsistency can even occur within the same code.
- 10.2 For these 'other interests' there is likewise no consistency across authorities as to whether a councillor must merely declare them; declare, speak and withdraw; or declare and withdraw without speaking.
- 10.3 Where councils have not included 'other interests' but have simply adopted the minimal DPI requirements, this is always where the DCLG or LGA code has been adopted.
- 10.4 Where this is the situation, it is often the cases that Members do not necessarily understand the consequences and can be surprised that they no longer strictly speaking have to declare interests relating to other family members or friends, but say that they would do so anyway regardless of whether the code expressly requires it (as per the revised principle description).
- 10.5 Provisions on DPIs have been found to have been interpreted differently from authority to authority.
- 10.6 In many places, Members tend still to talk in terms of personal and prejudicial interests regardless of what their code calls them, although they are also familiar with the term DPIs.
- 10.7 Many councils have included additional registration requirements beyond DPIs to include membership of outside organisations.

Issues for discussion

- Is this a picture you recognise at Rutland CC?
- Do you think your new code is better/worse/about the same as the old code and why?
- Have there been encountered any gaps when it comes to trying to deal with behaviour?
- How aware of the changes have Members been do you think?
- How have Members dealt with the adoption of DPI's in the Code but not other interests?
- How have the advisors to meetings coped with explaining DPI's and differentiating between that and interests beyond DPI's that raise an issue of common law bias?
- How have the meetings and members coped with this?

- Would the issue of the attached flowcharts adequately deal with any experienced or potential problems with interests?
- How is the new code working with regard to parish behaviour?
- Does anything need to change?

THE SEVEN PRINCIPLES OF PUBLIC LIFE

Revised description as of January 2013

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.

Honesty

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.

Local Government Association

Template Code of Conduct

As a member or co-opted member of *[X authority]* I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: [text of description].

INTEGRITY: [text of description].

OBJECTIVITY: [text of description].

ACCOUNTABILITY: [text of description]

OPENNESS: [text of description].

LEADERSHIP: [text of description].

The Act further provides for registration and disclosure of interests and in *[X authority]* this will be done as follows: *[to be completed by individual authorities]*

./...

...

As a Member of [X authority], my 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 [county][borough][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 I 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.

Example expanded code concerning other interests

Part 2 - Registration of interests

11. You must register in the Council's Register of Members Interests information about your registerable personal interests. In this code of conduct 'your registerable personal interests' means:

- (a) any Disclosable Pecuniary Interest as set out in Annex 2; or
- (b) any other interest held by you as set out in Annex 3.

You must register information about your registerable personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:

- your appointment as a member of the Council; and
- any change taking place in your registerable personal interests.

(Note: Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code)

12. Where you think that disclosure of the details of any of your registerable personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, the Monitoring Officer may at your request make a note on the Register that you have a personal interest, details of which are withheld.

Part 3 – Non-registerable interests

13. You will have a non-registerable personal interest when you attend a meeting of the Council or Cabinet, or one of their committees or subcommittees, and you are, or ought reasonably to be, aware that a Part 5.2A – Members' Code decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting your well-being or financial position, or the well-being or financial position of a person described in paragraph 14, to a greater extent than most inhabitants of the area affected by the decision.

14. The persons referred to in paragraph 13 are:

- (a) a member of your family;
- (b) any person with whom you have a close association;
- (c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.

(Note:

(a) "A member of your family" means: your partner (i.e. your spouse, civil partner or anyone with whom you live in a similar capacity); your parent or parent-in-law; any child, stepchild or sibling of you or your partner; your grandparent, grandchild, aunt, uncle, nephew or niece; and the partners of any of those people.

(b) You have a “close association” with someone if your relationship is such that a reasonable member of the public might think you would be prepared to favour or disadvantage that person when deciding a matter which affects them).

15. When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that you have a non-registerable interest in an item of business (as defined in paragraph 13) you must disclose that interest to the meeting before consideration of that item begins or (if later) when you become aware of the interest.

Part 4 - Non-Participation in Council Business

16. When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that the criteria set out in paragraph 17 are satisfied in relation to any matter to be considered, or being considered at that meeting, you must :

- (a) Declare that fact to the meeting;
- (b) Not participate (or further participate) in any discussion of the matter at the meeting; and
- (c) Not participate in any vote (or further vote) taken on the matter at the meeting;
- (d) Leave the room whilst the matter is being discussed.

17. The criteria for the purposes of paragraph 16 are that:

- (a) You have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice your judgement of the public interest; and either
- (b) The matter will affect the financial position of yourself or one of the persons or bodies referred to in paragraph 14 or in any of your register entries; or
- (c) The matter concerns a request for any permission, licence, consent or registration which relates to or affects any of the persons referred to in paragraph 14 or in any of your register entries.

18. If a Council function can be discharged by you as a member acting alone and you are aware you have a registerable or non-registerable personal interest in any matter to be dealt with by you in that way which meets the criteria set out in paragraph 17, you shall not deal with that matter in any way (except to enable it to be dealt with by someone else).

(Note: Failure, without reasonable excuse, to comply with paragraphs 16 to 18 in relation to a Disclosable Pecuniary Interest could be a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code)

19. Paragraphs 16 to 18 do not apply if (i) you have a relevant dispensation under section 33 of the Localism Act 2011 or (ii) your interest arises only from the offer of a gift or hospitality which you have refused or (iii) the matter in question relates to any of the following functions of the Council:

- (a) housing, where you are a Council tenant provided the matter does not relate particularly to your tenancy or lease;

(b) school meals or school transport, where you are a parent or guardian of a child in full-time education or a parent governor of a school, unless the matter relates particularly to the school your child attends;

(c) statutory sick pay where you are in receipt of, or entitled to receipt of, such pay;

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

(e) any ceremonial honour given to members; and

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