

CONDUCT COMMITTEE

16th February 2015

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 present to the Committee a draft revision of the Member Code of Conduct for consideration.

2. RECOMMENDATIONS

- 2.1 **That the Committee recommends that Council adopt the revised Member Code of Conduct as set out at Appendix C.**

3 BACKGROUND

- 3.1 A report was presented to the meeting of 7th October 2014, providing a background note and observations of changes that might be made to update the Council's Code of Conduct for Members, not least in response to the revised definitions of the general principles of conduct (the Nolan principles) provided by the Committee for Standards in Public Life.
- 3.2 This was initiated by the Conduct Committee of 28 January 2014, which expressed the intention that the Code should be reviewed, given the time it has now been in place
- 3.3 The Committee was requested to consider the appropriateness, effectiveness and level of understanding of the current code of conduct for members in light of the report.
- 3.4 As a result, it had been resolved that:
- i) *The description of the seven principles should be directly incorporated into the wording of the Code;*
 - ii) *In considering re-wording of the Code, if the existing provisions are to be retained, it should follow subject areas;*
 - iii) *Other interests contained in Schedule 2 to the Code should be removed bar interests arising in relation to gifts or hospitality; and*
 - iv) *A revised Code would be prepared to incorporate the provisions above and the comments noted above and would be brought back to the next meeting of the Committee in December.*
- 3.5 Accordingly, attached is:

- (a) a revised draft Code annotated to explain the suggested changes (Appendix A), alongside which is
- (b) a copy of the existing Code (Appendix B); and
- (c) a clean copy of the draft revised Code (Appendix C).

4. 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 and Diversity	Low	An initial equality impact assessment has been completed and there are no matters arising that require consideration relating to the proposals in this report.

5. APPENDICES

Appendix A: Draft Revised Code - Annotated

Appendix B: Existing Members Code of Conduct

Appendix C: Draft Revised Members Code of Conduct

Background Papers

None

Report Author

Mr Philip McCourt

Tel No: (01572) 722577

e-mail: Phil.McCourt@peterborough.gov.uk

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

Note

Draft Revised Code

1 INTRODUCTION

Current para 1.2

1.1 The Council has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the Council (“Members”) and the Code sets out the standards that the Council expects Members to observe.

Current para 1.1, expanded to include the statutory wording

1.2 This Code of Conduct has been adopted by the Council as required by Section 27 of the Localism Act 2011, under which the Council must secure that the Code:

- (a) is, when viewed as a whole, consistent with the principles as set out at Part 3 of this Code of Conduct; and
- (b) includes the provision the authority considers appropriate in respect of the registration in its register, and disclosure, of
 - (i) pecuniary interests (including ‘disclosable pecuniary interests’), and
 - (ii) interests other than pecuniary interests.

Current para 1.3 first sentence is deleted. This explanation is as per the Parliamentary Members’ Code

1.3 In doing so, the Council sees that the purpose of the Code of Conduct is to assist all Members in the discharge of their obligations to the Council, their constituents and the County at large by:

- (a) establishing the standards and principles of conduct expected of all Members in undertaking their duties;
- (b) setting the rules of conduct which underpin these standards and principles and to which all Members must adhere; and in so doing
- (c) ensuring public confidence in the standards expected of all Members and in the commitment of the Council to upholding these rules.

2 SCOPE

Current para 2. & 3.1, with removal of the word “official” to better reflect the wording of s.27(2)

2.1 The Code applies whenever a person is acting in his or her capacity as a Member of the Council or co-opted member of a committee, sub-committee or other body of the Council.

Current second sentence, para 1.3

2.2 It is the responsibility of individual Members to comply with the provisions of the Code of Conduct as well as such other legal obligations as may apply to them from time to time.

3 PRINCIPLES

Introduction associated with inclusion of the principles, linking them to conduct under the Code

- 3.1 In carrying out their Council and public duties, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life applying to holders of public office. These principles will be taken into account when considering the investigation and determination of any allegations of breaches of the rules of conduct in Part 4 of the Code.

[... General principles recited ...]

Now follows the construct of the previous Council Code from which the wording of the current was taken

4 RULES OF CONDUCT

New wording (based on parliamentary)

In addition to observing the principles set out above, Members shall comply with the following requirements of this Code.

Current para 4.1, expanded to coincide with the Parliamentary Code

- 4.1 Members must base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest

Current para 4.15 (shortened)

- 4.2 Members must treat others with respect.

- 4.3. Members must not:

Current para 4.8 (shortened)

- (a) do anything which may cause the Council to breach any of its obligations under the Equality Act 2010

Current para 4.16 but relating to more than just employees

- (b) bully any person

Re-inserted from original

- (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 him or herself) has failed to comply with this code of conduct

Current para 4.4

- (d) do anything which compromises or is likely to compromise the impartiality of those who work

for, or on behalf of, the Council

4.4 Members must not:

Current para 4.5 but expanded to include whistle-blowing and other exceptions (blanket ban not acceptable in law)

- (a) disclose information given to the Member in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) the Member has the consent of a person authorised to give it;
 - (ii) they 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:
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the Council; or

Current para 4.11

- (b) prevent another person from gaining access to information to which that person is entitled by law.

Current para 4.14 but shortened as current version is unenforceable

4.5 Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.

4.6 Members must:

Current para 4.2

- (a) not use or attempt to use their position as a Member improperly to confer on, or secure for him or herself or any other person, an advantage or disadvantage; and

Current para 4.3 & 4.13 combined

- (b) when using or authorising the use by others of the resources of the Council:
 - (i) act in accordance with the Council's reasonable requirements (including those relating to expenses, allowances and use of ICT, facilities or other services);
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes);

Addition from template

- (c) have regard to any Local Authority Code of Publicity made under the Local Government Act 1986; and

Current para 4.9,
reworded

- (d) act in accordance with any Protocol or Code of Practice as adopted by the Council and that apply to the role being undertaken by the Member at that time

4.7 Members must:

Current para 4.7

- (a) when reaching decisions on any matter, have regard to any relevant advice provided by:
 - (i) the Council's head of paid service
 - (ii) the Council's the Section 151 officer; or
 - (iii) the Council's monitoring officer,where that officer is acting pursuant to their statutory duties;

Current para 4.6

- (b) make decisions concerning appointments, award of contract and the like on merit; and

Current para 4.10

- (c) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

As currently

5 REGISTER OF INTERESTS

5.1 The Council's Monitoring Officer maintains a register of interests of Members and co-opted members of the Council. A copy of the register will be available for public inspection and will be published on the authority's website.

5.2 The Council has determined what interests Members are required to enter in the register of interests, including those disclosable pecuniary interest prescribed by regulations. These disclosable pecuniary interests are listed in Schedule 1. The other disclosable interests are listed in Schedule 2.

5.3 Members must notify the Council's Monitoring Officer of any disclosable pecuniary interests and other interests that should be recorded in the Council's register of interests.

5.4 Within 28 days of becoming a councillor, all Members must submit to the Monitoring Officer a list of their disclosable interests and other interests and must notify the Monitoring Officer of any changes as and when they arise.

5.5 Where a Member considers that disclosure of

the details of an interest could lead to the Member, or a person connected with the Member, being subject to violence or intimidation if the interest is entered in the register, and the Monitoring Officer agrees, 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 the Member has an interest the details of which are withheld.

6 CONFLICTS OF INTEREST

Current para 5.6
and para 4.12
(deleted)

6.1 Where a disclosable interest or other interest exists, whether or not it has been entered in the register of interests, a Member must disclose the interest to any meeting of the authority at which the Member is present. Where this is a disclosable pecuniary interest the Member must withdraw from the meeting room during its consideration.

Addition to directly
reflect revised
Integrity principle

6.2 Where a Member is aware, or ought reasonably be aware, that an action or decision by them would result in gain of financial or other material benefit for themselves, their family or their friends, the Member must declare and resolve that conflict of interest and relationship.

As currently

Schedule 1

Removal of other
interests except
for gifts &
hospitality

Schedule 2

RUTLAND COUNTY COUNCIL DISTRICT COUNCIL CONSTITUTION

PART 5 – CODES AND PROTOCOLS

MEMBERS’ CODE OF CONDUCT

1 INTRODUCTION

- 1.1 This Code of Conduct (“the Code”) has been adopted by the Council as required by Section 27 of the Localism Act 2011 (“the Act”).
- 1.2 The Council has a statutory duty under the Act to promote and maintain high standards of conduct by members and co-opted members of the Council (“Members”) and the Code sets out the standards that the Council expects Members to observe.
- 1.3 The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time.
- 1.4 The Code is consistent with the following principles (the “Nolan” principles of standards in public life):

Selflessness
Integrity
Objectivity
Accountability
Openness
Honesty
Leadership

2 WHO DOES THE CODE APPLY TO?

- 2.1 The Code applies to all Members of the Council and to all co-opted members of any committee, sub-committee or joint committee or sub-committee of the Council with a right to vote.

3 WHEN DOES THE CODE APPLY?

- 3.1 The Code applies whenever a person is acting in his/her official capacity as a Member of the Council or co-opted member in the conduct of the Council’s business or acting as a representative of the Council.

4 WHAT STANDARDS OF CONDUCT ARE MEMBERS EXPECTED TO OBSERVE?

Selflessness:

- 4.1 Members must always act in the public interest.
- 4.2 Members must never use their position as a member of the Council improperly to secure for themselves or any other person, an advantage or disadvantage
- 4.3 Members must not use the Council's resources improperly for personal or party political purposes.

Integrity:

- 4.4 Members must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- 4.5 Members must not disclose information given to them in confidence.

Objectivity:

- 4.6 When making decisions on behalf of the Council, including awarding contracts or making appointments, Members must do so on merit.
- 4.7 Members must have regard to any relevant advice provided to them by the Council's officers and, in particular, the Head of Paid Service, Chief Finance Officer and Monitoring Officer, where such advice is provided pursuant to their statutory duties.

Accountability:

- 4.8 Members must act in accordance with their legal obligations, including the following Acts of Parliament that confer special obligations on elected councillors:

Local Government Act 1972
Employment Rights Act 1996
Data Protection Act 1998
Freedom of Information Act 2000
Bribery Act 2010

Equality Act 2010
Localism Act 2011

- 4.9 Members must act in accordance with the Council's policies and reasonable requirements, including any protocols and codes of practice that may apply. (eg in respect of Member/Officer relations, IT, Members' Allowances).

Openness:

- 4.10 Members must give reasons for any decisions taken on behalf of the Council in accordance with any statutory requirements and the Council's Constitution.
- 4.11 Members must not prevent another person from gaining access to information to which that person is entitled by law.

Honesty:

- 4.12 Members must declare any disclosable (pecuniary and non-pecuniary) interests or conflicts of interest that may arise in respect of their responsibilities as a Member of the Council.
- 4.13 Members must at all times ensure that any claims for expenses, allowances, and their use of facilities and services provided by the Council are strictly in accordance with the rules laid down on these matters.

Leadership:

- 4.14 Members must set an example by their behaviour and shall act in a way that enhances public trust and confidence in the integrity of the Council and its Members.
- 4.15 Members must show respect and courtesy to others.
- 4.16 In their dealings with the Council's employees, Members must have regard to the Council's protocol on Member/Officer Relations and on no account should they behave in a manner that might constitute bullying.

5 REGISTER OF INTERESTS

- 5.1 The Council's Monitoring Officer maintains a register of interests of Members and co-opted members of the Council. A copy of the register will be available for public inspection and will be published on the authority's website.
- 5.2 The Council has determined what interests Members are required to enter in the register of interests, including those disclosable pecuniary interest prescribed by regulations. These disclosable pecuniary interests are listed in schedule 1. The other disclosable interests are listed in Schedule 2.
- 5.3 Members must notify the Council's Monitoring Officer of any disclosable pecuniary and non-pecuniary interests that should be recorded in the Council's register of interests.

- 5.4 Within 28 days of becoming a councillor, all Members must submit to the Monitoring Officer a list of their disclosable interests and must notify the Monitoring Officer of any changes as and when they arise.
- 5.5 Where a Member considers that disclosure of the details of an interest could lead to the Member, or a person connected with the Member, being subject to violence or intimidation if the interest is entered in the register, and the Monitoring Officer agrees, 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 the Member has an interest the details of which are withheld.
- 5.6 Where a disclosable interest exists, whether or not it has been entered in the register of interests, a Member must disclose the interest to any meeting of the authority at which the Member is present. Where this is a disclosable pecuniary interest the member must withdraw from the meeting room during its consideration.

Schedule 1 – Disclosable Pecuniary Interests

In this Schedule, “M” means a Member or co-opted member of Rutland County Council. The interests to be disclosed include those interests (of which M is aware) of M’s partner, which means spouse or civil partner, a person with whom M is living as husband or wife, or a person with whom M is living as if they were civil partners.

Subject	Prescribed description
Employment, office, trade, profession or vocation.	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	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 - (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
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	Any tenancy where (to M’s knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where – (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and (b) either - (i) the total nominal value of the securities exceeds £25,000 or share capital of that

	<p>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>
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Schedule 2 – Disclosable Interests other than disclosable pecuniary interests

- (i) any body of which the Member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body –
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes include the influence of public opinion or policy (including any political party or trade union) of which the Member of the Council is a member or in a position of general control or management;
- (iii) any gifts of hospitality worth more than an estimated value of £50 which the Member has received by virtue of his or her office.

DRAFT REVISED MEMBERS' CODE OF CONDUCT

1 INTRODUCTION

- 1.1 The Council has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the Council ("Members") and the Code sets out the standards that the Council expects Members to observe.
- 1.2 This Code of Conduct has been adopted by the Council as required by Section 27 of the Localism Act 2011, under which the Council must secure that the Code:
- (a) is, when viewed as a whole, consistent with the principles as set out at Part 3 of this Code of Conduct; and
 - (b) includes the provision the authority considers appropriate in respect of the registration in its register, and disclosure, of
 - (i) pecuniary interests (including 'disclosable pecuniary interests'), and
 - (ii) interests other than pecuniary interests.
- 1.3 In doing so, the Council sees that the purpose of the Code of Conduct is to assist all Members in the discharge of their obligations to the Council, their constituents and the County at large by:
- (a) establishing the standards and principles of conduct expected of all Members in undertaking their duties;
 - (b) setting the rules of conduct which underpin these standards and principles and to which all Members must adhere; and in so doing
 - (c) ensuring public confidence in the standards expected of all Members and in the commitment of the Council to upholding these rules..

2 SCOPE

- 2.1 The Code applies whenever a person is acting in his or her capacity as a Member of the Council or co-opted member of a committee, sub-committee or other body of the Council.
- 2.2 It is the responsibility of individual Members to comply with the provisions of the Code of Conduct as well as such other legal obligations as may apply to them from time to time.

3 PRINCIPLES

- 3.1 In carrying out their Council and public duties, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life applying to holders of public office. These principles will

be taken into account when considering the investigation and determination of any allegations of breaches of the rules of conduct in Part 4 of the Code.

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.

4 RULES OF CONDUCT

In addition to observing the principles set out above, Members shall comply with the following requirements of this Code.

- 4.1 Members must base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest
- 4.2 Members must treat others with respect.
- 4.3. Members must not:
 - (a) do anything which may cause the Council to breach any of its obligations under the Equality Act 2010
 - (b) bully 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 him or herself) has failed to comply with this code of conduct
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council
- 4.4 Members must not:
 - (a) disclose information given to the Member in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) the Member has the consent of a person authorised to give it;
 - (ii) they 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:
 - reasonable and in the public interest; and
 - 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.

- 4.5 Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.
- 4.6 Members must:
- (a) not use or attempt to use their position as a Member improperly to confer on, or secure for him or herself or any other person, an advantage or disadvantage; and
 - (b) when using or authorising the use by others of the resources of the Council:
 - (i) act in accordance with the Council's reasonable requirements (including those relating to expenses, allowances and use of ICT, facilities or other services);
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes);
 - (c) have regard to any Local Authority Code of Publicity made under the Local Government Act 1986; and
 - (d) act in accordance with any Protocol or Code of Practice as adopted by the Council and that apply to the role being undertaken by the Member at that time
- 4.7 Members must:
- (a) when reaching decisions on any matter, have regard to any relevant advice provided by:
 - (i) the Council's head of paid service
 - (ii) the Council's the Section 151 officer; or
 - (iii) the Council's monitoring officer,where that officer is acting pursuant to their statutory duties;
 - (b) make decisions concerning appointments, award of contract and the like on merit; and
 - (c) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

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- 5.5 Where a Member considers that disclosure of the details of an interest could lead to the Member, or a person connected with the Member, being subject to violence or intimidation if the interest is entered in the register, and the Monitoring Officer agrees, 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 the Member has an interest the details of which are withheld.

6 CONFLICTS OF INTEREST

- 6.1 Where a disclosable interest or other interest exists, whether or not it has been entered in the register of interests, a Member must disclose the interest to any meeting of the authority at which the Member is present. Where this is a disclosable pecuniary interest the Member must withdraw from the meeting room during its consideration.
- 6.2 Where a Member is aware, or ought reasonably be aware, that an action or decision by them would result in gain of financial or other material benefit for themselves, their family or their friends, the Member must declare and resolve that conflict of interest and relationship.

Schedule 1 – Disclosable Pecuniary Interests

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Subject	Prescribed description
Employment, office, trade, profession or vocation.	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	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 - (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
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	Any tenancy where (to M’s knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where – (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and (b) either - (i) the total nominal value of the securities

	<p>exceeds £25,000 or 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>
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Schedule 2 – Disclosable Interests other than disclosable pecuniary interests

Any gift or hospitality worth more than an estimated value of £50 which the Member has received by virtue of his or her office and the person or persons from whom the gift or hospitality was received.

CONDUCT COMMITTEE

16 February 2015

APPOINTMENT OF AN INDEPENDENT PERSON

Report of the Monitoring Officer

STRATEGIC AIM:	All
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1. PURPOSE OF THE REPORT

- 1.1 To alert the Conduct Committee to the approaching end date of the appointment of one of the Council's Independent Persons and to discuss options to remain resilient in this area.

2. RECOMMENDATIONS

- 2.1 **That the Committee recommends to Council the extension of Mr Shatner's appointment as Independent Person to 31 March 2017.**

3. REASONS FOR THE RECOMMENDATIONS

- 3.1 The Localism Act 2011 requires a relevant authority to make provision for the appointment of at least one Independent Person, whose views are sought, and taken into account, by the authority, before it makes a decision on an allegation involving an elected member's conduct.
- 3.2 The Council has appointed two individuals to act as Independent Persons in this regard. Mr Shatner was appointed with an end contract date of 30th June 2015 and Mr Grimes was subsequently appointed with an end contract date of 31st March 2017.
- 3.3 Although the Council can retain just one Independent Person, it is preferable to retain two in case an Independent Person is unavailable or perhaps conflicted out of a particular matter.
- 3.4 In order to maintain a position of resilience, it is recommended that the appointment of Mr Shatner is extended to 31st March 2017, to align with that of Mr Grimes.
- 3.5 If the Conduct Committee agrees to this course of action, a report will be presented to Full Council for their consideration and approval of the extended appointment.

4. RISK MANAGEMENT

RISK	IMPACT	COMMENTS
Time	Low	The recommendation can be implemented quickly subject to approval by Full Council.
Viability	Low	As above.
Finance	Low	There are no direct financial implications arising as a result of this report. The Independent Persons are not remunerated for their roles; they are able to claim expenses for attendance at meetings.
Profile	Low	There may be some public interest in the content but this is unlikely to be significant.
Equality and Diversity	Low	No impact assessment has been carried out as there are no direct implications.

Background Papers

None.

Report Author

Diane Baker

Tel No: (01572) 722577

e-mail: dbaker@rutland.gov.uk

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.