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**Direct dial**  
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Tracey Coop  
0115 914 8511  
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**Our reference:**  
**Your reference:**  
**Date:**

Friday, 20 April 2018

To all Members of the Standards Committee

Dear Councillor

A Meeting of the Standards Committee will be held on Monday, 30 April 2018 at 6.00 pm in the Council Chamber Area B, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

Glen O'Connell  
Monitoring Officer

## **AGENDA**

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Meeting held on 29 January 2018 and of the Standards Committee Sub-Committee of 22 February 2018 (Pages 1 - 6)

To approve the minutes of the meeting held on 29 January 2018.

To approve the minutes of the Standards Committee Sub Committee (Standards Hearing Panel) held on 22 February 2018.

4. Cases Update 2017/18 (Pages 7 - 12)
5. Proposals to Revise the Councillors' Code of Conduct (Pages 13 - 62)

## Membership

Chairman: Councillor R Adair

Vice-Chairman: Councillor

Councillors: K Beardsall, M Buckle, S Mallender, J Lungley, F Purdue-Horan, G Norbury, K White and A Wood

### **Rushcliffe Community Contact Centre**

Rectory Road  
West Bridgford  
Nottingham  
NG2 6BU

### **In person**

Monday to Friday  
8.30am - 5pm  
First Saturday of  
each month  
9am - 1pm

### **By telephone**

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### **Postal address**

Rushcliffe Borough  
Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
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NG2 7YG



## Meeting Room Guidance

**Fire Alarm Evacuation:** in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

**Toilets:** are located to the rear of the building near the lift and stairs to the first floor.

**Mobile Phones:** For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

**Microphones:** When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.



## **MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE MONDAY, 29 JANUARY 2018**

Held at 6.00 pm in the Council Chamber Area B, Rushcliffe Arena, Rugby Road,  
West Bridgford - Rushcliffe Arena

### **PRESENT:**

Councillors R Adair, S Mallender, J Lungley, F Purdue-Horan

Independent Members: G Norbury, K White and A Wood

### **ALSO IN ATTENDANCE:**

J Baggaley (Independent Person)

### **OFFICERS IN ATTENDANCE:**

Tracey Coop	Constitutional Services Officer
Julian Crowle	Solicitor
Glen O'Connell	Monitoring Officer

### **APOLOGIES:**

Councillor M Buckle

#### **10 Declarations of Interest**

Councillor Purdue-Horan declared a non-pecuniary interest in agenda item 4, Cases Update 2017-18.

#### **11 Minutes of the Previous Meeting**

The Minutes of the meeting held on Monday 30 October 2017 were accepted as a true record.

In respect of the actions from the previous meeting, the DCLG Consultation Questions (Minute No.8 2017/18), the Monitoring Officer advised the Committee that once the report from DCLG was available he would bring the results back to the Committee for comment.

The Monitoring Officer introduced Julian Crowle to the Committee. He had recently joined the Council's Legal Team and would be working with the current Monitoring Officer in advance of his taking on the role on or before 1 June 2018.

#### **12 Report Cases Update 2017/18**

Councillor Purdue-Horan, who had declared an interest in this item left the room at this point and did not take part in the subsequent discussion.

The Monitoring Officer provided a report to update the Committee on the number of complaints regarding alleged breaches of the Councillors' Code of

Conduct. The report highlighted that since the last Committee meeting on 30 October, 2017 there had been a further three cases received, with each of these cases being dealt with by the Monitoring Officer giving due regard to the Councillor Complaints Procedure, and, where appropriate the Independent Person had been consulted.

The Monitoring Officer noted that cases Ref 7/17, 8/17 and 9/17 reported at the previous meeting of the committee on 30 October 2017, were to be progressed through the complaints procedure. A provisional date for the hearing of Thursday 22 February 2018 was agreed.

It was **RESOLVED** that the report of the Monitoring Officer be noted.

Councillor Purdue-Horan returned to the meeting at this point.

### 13 **Training for the Town and Parish Councils**

The Monitoring Officer provided a report for the Committee to consider and comment on the feedback from the workshops held at the Town and Parish Forum on 9 November 2017. The Monitoring Officer reported that he was pleased with the overall attendance of Chairmen and Clerks at the workshops and noted that the group work had been facilitated to ensure that relevant issues had been identified. The Monitoring Officer advised that following the forum workshops the group work had been collated and circulated to the attendees for their confirmation of accuracy and further comment. The Monitoring Officer noted that, as no further comments had been received, the summary contained within the officer's report accurately reflected the views of the Forum members. It was also noted that there remained a 'harder to reach' element of those not attending the Forum and, that in an attempt to address this all Town and Parish Councils would be contacted to request their comments on the draft training programme. The Monitoring Officer advised the committee that the workshops had also covered potential changes to the Code of Conduct and, with regard to this, he would report proposals to the next meeting of the Committee.

The Committee considered what actions were needed to ensure that Town and Parish Council Chairmen and Clerks received the support they required to meet their roles and welcomed the Monitoring Officers proposals. The Committee discussed revising the Code of Conduct and improvements to the training and development and, in particular, planning for the future and the new Town and Parish Councillors that would be elected in 2019. The committee concluded that the proposed programme would help Town and Parish Councils perform their functions more effectively and would generally improve their relationship with the Borough Council.

It was **RESOLVED** that

- a) the feedback received from the workshops at the Town and Parish Council Forum on 9 November 2017 be noted.
- b) the creation of a Training and Development Programme for Town and Parish councils, incorporating the original proposals as well as the feedback received from the workshops held at Town and Parish Council

Forum, be approved.

- c) The Monitoring officer report potential changes to the Code of Conduct to the next meeting.

**Action Sheet**

**STANDARDS COMMITTEE - MONDAY 29 JANUARY 2018**

<b>Minute No.</b>	<b>Actions</b>	<b>Officer Responsible</b>
<b>12</b>	Provisional date provided for Hearing – 22 February 2018 – AM. Monitoring Officer to contact Councillor to confirm date and time for Hearing	Monitoring Officer
<b>13</b>	Draft Training Programme to be circulated to all Town and Parish Councillors for comment	Monitoring Officer
<b>13</b>	Monitoring Officer to report on Code of Conduct to next meeting	Monitoring Officer

The meeting closed at 6.43 pm.

CHAIRMAN

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**MINUTES  
OF THE MEETING OF THE  
STANDARDS HEARING PANEL (STANDARDS COMMITTEE - SUB-  
COMMITTEE)  
THURSDAY, 22 FEBRUARY 2018**

Held at 9.30 am in the Council Chamber Area B - Rushcliffe Arena

**PRESENT:**

Councillors R Adair, J Lungley and S Mallender

Independent Member: G Norbury

Independent Person: J Baggaley

**OFFICERS IN ATTENDANCE:**

T Coop	Constitutional Services Officer
J Crowle	
M Elliott	Constitutional Services Team Leader
G O'Connell	Monitoring Officer

**APOLOGIES:**

Independent Members: A Wood

**1 Appointment of Chairman**

It was **RESOLVED** that Councillor Adair be appointed as Chairman for the meeting.

**2 Declarations of interest**

There were no declarations of interest.

**3 Local Government Act 1972 – Exclusion of the Public**

It is was **RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

**4 Standards Complaints Hearing**

The Committee considered Code of Conduct complaints against Rushcliffe Borough and Bingham Town Councillor, Sue Hull.

The hearing was conducted in accordance with the Council's procedures for hearings on Standards Matters, as amended with the

prior agreement of the complainants and Councillor Hull.

Councillor Hull attended the meeting and made representations in accordance with the procedure.

It was **RESOLVED** that:

- a) Councillor Hull had failed to comply with the Codes of Conduct of Rushcliffe Borough Council and Bingham Town Council in respect of the following paragraphs:

“(f) you must declare any private interests, both pecuniary and non-pecuniary, including your membership of any trade union, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest including registering and declaring interests in a manner conforming with the procedures...”

and


“(h) you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and by example”

- b) it be noted that the panel members agreed unanimously that there was no doubt that Councillor Hull had acted with the best of intentions throughout.
- c) Councillor Hull make written apologies to both Rushcliffe Borough Council and Bingham Town Council for failing to comply with the respective Codes of Conduct.
- d) Bingham Town Council be recommended to undertake councillor training on leadership skills and Planning procedures.

The meeting closed at 10.45 am.

CHAIRMAN



 <p><b>Standards Committee</b></p> <p><b>30 April 2018</b></p> <p><b>Cases and Work Update 2018 -2019</b></p>	<h1>4</h1>
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## Report of the Monitoring Officer

### 1. Summary

- 1.1. This report provides information on the number of complaints received since the implementation of the new standards regime from July 2012. It also aims to help in identifying areas where training or education may assist Councillors' understanding of the regime's requirements.

### 2. Recommendation

It is RECOMMENDED that the report be noted.

### 3. Details

- 3.1. As previously reported to the Committee, in June 2012, Council agreed a Councillor Code of Conduct in line with provisions within the Localism Act 2011. It also agreed to retain a Standards Committee. Council requested that the Code and the Committee's role and terms of reference be reviewed after a year. At its meeting on 25 July 2013, the Standards Committee undertook this review and its report and recommendations were presented to Council in September 2013.
- 3.2. At its meeting in September 2013, Council upheld the Standards Committee's recommendations with no changes being made to the Committee's composition or terms of reference. In December 2013, Council agreed the appointment of John Baggaley as the Council's Independent Person for standards as required by the Localism Act. At the Standards Committee's request, Mr Baggaley is invited to attend its meetings in order that he is aware of its role and work.
- 3.3. In relation to complaints received since the implementation of the existing standards regime (from the 1 July 2012), there have been a total of 51 cases. Details of these cases have been periodically reported to the Committee, with the last report in January 2018.
- 3.4. Cases 01/13 to 1/17 were contained in the previous report to Committee considered in June 2017. Cases 2/17 to 12/17 were reported at the October 2017 meeting. The new cases received since the last report are set out in the table attached as **Appendix A**. Each of these cases has been dealt with by the Monitoring Officer giving due regard to the published Councillor Complaints Procedure. Where appropriate the Independent Person has been consulted.

3.5. The table at **Appendix A** indicates the date of complaint, if it related to a Borough, Parish or Town Councillor, if the complaint was made by another Borough, Parish or Town Councillor and what action was taken to address the complaint. Historical information is in shaded boxes, and fresh information is in white background boxes.

3.6. Since the last report to the Committee a further 2 cases have been received, being complaints from 2 Borough Councillors about actions of another Borough Councillor. At the time of writing the complaint 1/18, is awaiting a formal decision, which will be reported to the meeting.

#### **4. Other Work**

4.1. During the year, the Monitoring Officer has been available to provide support to questions raised by individuals.

4.2. Since the last meeting the Monitoring Officer has given a presentation to a Parish Council and two further presentations are scheduled before 1 June 2018.

4.3. The training and development work was reported to the last meeting and is programmed to deliver induction training following the May 2019 elections

4.4. Proposals in relation to the Code of Conduct are the subject of a separate report on this agenda.

#### **5. Implications**

##### **5.1. Finance**

There are no direct financial implications.

##### **5.2. Legal**

There are no specific legal implications

##### **5.3. Corporate Priorities**

Delivery of an effective Standards regime supports the Council's priority of *'Maintaining and enhancing our residents' quality of life – Our residents'*

##### **5.4. Other Implications**

None

<b>For more information contact:</b>	Glen O'Connell Monitoring Officer <a href="mailto:GOConnell@rushcliffe.gov.uk">GOConnell@rushcliffe.gov.uk</a>
<b>Background papers Available for Inspection:</b>	None
<b>List of appendices (if any):</b>	<b>Appendix A</b> - Summary of Cases 2017/18

## Appendix A


### Summary of new cases from February 2017

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
1/17	23/1/17	Bingham Town Council	Town Councillor	Yes	Complaint rejected following initial appraisal 02/17
2/17	9/3/17	Newton Parish Council	Member of the public	No	Complaint raised issues about the Council corporately with no confirmation of complaints against specific Councillors 20/3/17
3/17	4/7/17	RBC/Newton Parish Council	Member of the public	No	Complaint rejected following initial appraisal
4/17	13/8/17	Cotgrave Town Council	Town Councillor	Yes	Complaint rejected following initial appraisal 4/9/17
5/17	13/8/17	Cotgrave Town Council	Town Councillor	Yes	Complaint withdrawn 28/8/17
6/17	13/8/17	Cotgrave Town Council	Town Councillor	Yes	Complaint rejected following initial appraisal 4/9/17

<b>Case Ref</b>	<b>Date received</b>	<b>RBC/Parish Council</b>	<b>Complainant</b>	<b>Independent Person consulted</b>	<b>Decision and date</b>
7/17	10/8/17	Bingham Town Council	Borough and Town Councillor	Yes	On 22 February 2018 the Standards Hearings Panel considered this complaint together with complaints 8/17 and 9/17 and concluded that there had been failures to comply with the provisions of the Borough and Town Councils Codes of Conduct. The minutes of the Panel are on the agenda.
8/17	27/9/17	Bingham Town Council	Borough and Town Councillor	Yes	As above.
9/17	1/10/17	Bingham Town Council	Borough and Town Councillor	Yes	As above.
10/17	19/9/17	Cotgrave Town Council	Member of the public	Yes	Complaint rejected following initial appraisal
11/17	19/9/17	Cotgrave Town Council	Member of the public	Yes	Complaint rejected following initial appraisal
12/17	22/9/17	Stanford on Soar Parish Council	Member of the public	Yes	Complaint rejected following initial appraisal, but significant issues for the Parish Council to address.

<b>Case Ref</b>	<b>Date received</b>	<b>RBC/Parish Council</b>	<b>Complainant</b>	<b>Independent Person consulted</b>	<b>Decision and date</b>
13/17	13/10/17	Bingham Town Council	Member of the public	Yes	Complaint rejected following initial appraisal
14/17	13/10/17	Bingham Town Council	Member of the public	Yes	Local settlement reached
1/18	2/1/2018	Bingham Town Council	Member of the public	No	Further details of complaint received. Complaint rejected following initial appraisal
2/18	15/3/2018	Borough Council	Borough Councillor	Yes	Awaiting further details from complainant
3/18	15/3/2018	Borough Council	Borough Councillor	Yes	Awaiting further details from complainant

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 <p><b>Rushcliffe</b> Borough Council</p>	<p><b>Standards Committee</b></p> <p><b>30 April 2018</b></p> <p><b>Proposals to revise the Councillors' Code of Conduct</b></p>	<p><b>5</b></p>
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## **Report of the Monitoring Officer**

### **1. Summary**

This report considers potential amendments to the Borough Council's Code of Conduct and recommends that revisions be drafted, incorporating the changes considered in this report and then circulated to stakeholders for comment, with responses reported to this committee.

### **2. Recommendation**

It is RECOMMENDED that:

- a) the Committee consider the issues raised in this report and comment upon them at the meeting;
- b) revisions to the Code of Conduct be drafted to cover the areas considered in this report, and any others raised by the Committee, and a revised draft Code be circulated, for comment, to Borough Councillors, and parish and town councils in the Borough;
- c) responses to the consultation exercise be reported back to this Committee.

### **3. Reasons for recommendations:**

Under section 37 of the Local Government Act 2000 the Borough Council has a duty to keep the Code of Conduct up to date and under section 28 of the Localism Act 2011 the Code should contain such provisions as the Council considers appropriate in respect of the registration in its register, and disclosure, of pecuniary interests and interests other than pecuniary interests. Most town and parish councils in the Borough adopt the wording of the Borough Council's Code for their own use and, so, are significant stakeholders in any exercise to revise the Code.

### **4. Supporting Evidence**

- 4.1** At the last meeting of the Committee it was agreed that a report on potential revisions to the Borough Council's Code of Conduct for Councillors would be brought to this meeting. Originally, it was intended that revising the Code of Conduct would form part of the work of the Task and Finish Group on the Constitution but that Group were concerned that the work could delay the delivery of the main project to review the Constitution and were content to run

with the current Code, for the time being, as a component of the revised Constitution. This was sensible as the Council needs to move to a position where the Constitution is updated on an ongoing basis, to meet both internally and externally imposed change. Revising the Code of Conduct will involve more stakeholders than other parts of the Constitution, given the need to involve this Committee, the Corporate Governance Group, full Council and the Town and Parish Councils (most of them adopt the Borough Council's Code for their own use) and, of course individual Borough Councillors who are affected by its provisions.

- 4.2** The Borough Council's current Code is set out as Appendix 1. In line with many Codes adopted shortly after the new standards regime was introduced under the Localism Act 2011, it is very brief, being a minimalist adoption of the Nolan principles together with the inclusion of the, then, new requirements for registering Disclosable Pecuniary Interests and not participating in items of Council business relating to them.
- 4.3** Experience of working with the Code, largely at Town and Parish level, suggests that, in principle, a reversion to the style of drafting used in the pre-Localism Act national model code may provide greater clarity, for Councillors, their clerks and the public, through both giving more specific requirements in respect of the more common types of code breaches, thereby "fleshing out" the broad brush approach of the Nolan principles but also dealing with the registering and disclosure requirements for "interests other than pecuniary interests" contained within section 28 of the Localism Act 2011. These are interests other than the very narrowly defined Disclosable Pecuniary Interests which are still capable of impacting on the councillor's proper judgement when taking decisions in the public interest. The Borough Council's Code makes no reference to such interests and this is a shortcoming within its local arrangements which should be corrected, irrespective of what view is taken on whether to make other changes.
- 4.4** Appendices 2 and 3 are copies of the Codes of Conduct for Gedling Borough Council and Nottingham City Council respectively. They illustrate the points made above, by applying the Nolan principles but, also, retaining material from the former national code to deal with specific and common forms of Code breach whilst also dealing with "interests other than pecuniary interests", essentially by applying similar provisions to the "personal interest" and "personal and prejudicial interest" formulae from the former national code, to deal with interests which a sensible member of the public is likely to think are capable of improperly influencing a councillor's judgement. In addition, these codes expressly incorporate provisions relating to gifts and hospitality. Rushcliffe has a separate protocol on gifts and hospitality but there is no express cross reference in the actual Code requiring adherence to it so breach of the protocol is not, in itself, directly a code breach (although a breach of the general "Nolan" principles would be argued).
- 4.5** There is also a similar lack of cross reference between the current Code and the Protocol on Councillor/Officer relations and the Guidance on Planning Application Procedures and revisions could make the relevant cross



references so that significant failures to comply with the current versions of such guidance could also amount to a breach of the Code.

- 4.6** A presentation was given to workshops at the Town and Parish Forum on issues with the Code and potential revisions to it and Appendix 4 contains material relevant to this. There was support, in broad terms, for a revision exercise, with Clerks, in particular, showing support for more detail in the Code on unacceptable conduct. Content in the code on improper use of e-media was also suggested and this reflects a growing trend in Code complaints about Councillors' use of social media, so it is worth considering drafting an express provision covering this.

## **5. Risk and Uncertainties**

The key risk is achieving consensus between the various stakeholders but the Forum workshop sessions give a good degree of confidence that this can be achieved but, ultimately, it is a matter of choice for each Council as to the content of their Code.

## **6. Implications**

### **6.1 Finance**

It is intended that existing staff resources be used to deliver these proposals,

### **6.2 Legal**

The legal background is covered in section 3 above

### **6.3 Corporate Priorities**

Up to date constitutional documents will be a positive support to the delivery of objectives by all the Councils involved.

<b>For more information contact:</b>	Glen O'Connell Monitoring Officer <a href="mailto:GOConnell@rushcliffe.gov.uk">GOConnell@rushcliffe.gov.uk</a>
<b>Background papers Available for Inspection:</b>	None
<b>List of appendices (if any):</b>	<b>Appendix 1</b> – Rushcliffe Borough Council Code of Conduct <b>Appendix 2</b> – Gedling Borough Council code of conduct <b>Appendix 3</b> – Nottingham City Council Code of conduct <b>Appendix 4</b> – Material from Town and Parish Forum

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## CODES AND PROTOCOLS

### COUNCILLOR CODE OF CONDUCT

You are a Councillor or co-opted member of Rushcliffe Borough Council and as such are 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:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

Accordingly, when acting in your capacity as a Councillor or co-opted member:

- (a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate
- (b) you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in

the performance of your official duties

- (c) when carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit
- (d) you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office
- (e) you must be as open as possible about your decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions
- (f) you must declare any private interests, both pecuniary and non-pecuniary, including your membership of any trade union, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below
- (g) you must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
- (h) you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and by example
- (i) you must have regard to any relevant advice provided to you by the Council's Monitoring Officer, Section 151 Officer and Chief Executive where they are acting pursuant to his or her statutory duties
- (j) you must not 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:
    - 1. reasonable, in the public interest and
    - 2. made in good faith and in compliance with the reasonable requirements of the Council.
- (k) You must promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability.

## **Registering and declaring pecuniary and non-pecuniary interests**

You must, within 28 days of taking office as a Councillor or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State (see attached schedule), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a Councillor or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the Council's register, then the Councillor must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.<sup>1</sup>

Following any disclosure of an 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.

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 pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions the Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by the Council.

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<sup>1</sup> A 'sensitive interest' is described in the Localism Act 2011 as a Councillor or co-opted member of an authority having an interest, and the nature of the interest being such that the Councillor or co-opted member, and the Authority's Monitoring Officer, consider that disclosure of the details of the interest could lead to the Councillor or co-opted member, or a person connected with the Councillor or co-opted member, being subject to violence or intimidation.

## SCHEDULE

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Councillor in carrying out duties as a member, or towards the election expenses of the Councillor.</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> <ul style="list-style-type: none"> <li>(a) under which goods or services are to be provided or works are to be executed; and</li> <li>(b) which has not been fully discharged.</li> </ul>
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 the Councillor's knowledge)</p> <ul style="list-style-type: none"> <li>(a) the landlord is the relevant authority; and</li> <li>(b) the tenant is a body in which the relevant person has a beneficial interest.</li> </ul>
Securities	<p>Any beneficial interest in securities of a body where:</p> <ul style="list-style-type: none"> <li>(a) that body (to the Councillor's knowledge) has a place of business or land in the area of the relevant authority; and</li> <li>(b) either: <ul style="list-style-type: none"> <li>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share</li> </ul> </li> </ul>

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





## **Members' Code of Conduct**

### **PART 1**

#### **General Provisions**

##### **Introduction**

1. (1) Gedling Borough Council is committed to promoting and maintaining high standards of conduct by Members and co-opted Members of the Council. The actions of those who represent the Council impact on how the Council as a whole is viewed. Misconduct can seriously damage the effectiveness and reputation of the Council and will not be tolerated. Those serving their communities must adhere to the high standards expected of them to promote public confidence in local democracy.
- (2) This Code of Conduct has been adopted by the Council under Section 27 of the Localism Act 2011 and sets out the standards that Members are expected to observe.

##### **Interpretation**

2. (1) This Code applies to you as a Member of the Council.
- (2) It is your responsibility to comply with the provisions of this Code. Failure to do so may result in a sanction being imposed by the Council. Failure to take appropriate action in respect of a disclosable Pecuniary Interest may result in a criminal conviction.
- (3) In this Code:  
"meeting" means any meeting of:
  - (a) the Council;
  - (b) the executive of the Council;
  - (c) any of the Council's or its Executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"Member" includes a co-opted member or an appointed member.

##### **Scope**

3. (1) Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you:
  - (a) Conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) act, claim to act or give the impression you are acting as a representative of the Council;and references to your official capacity are construed accordingly.

- (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 of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- (3) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

### **The Seven Principles of Public Life**

#### **4. You must observe the following general principles:**

##### **Selflessness**

You should take decisions solely in terms of the public interest. You should not do so in order to gain financial or other material benefits for yourself, your family or your friends.

##### **Integrity**

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

##### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit.

##### **Accountability**

You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

##### **Openness**

You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

##### **Honesty**

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

##### **Leadership**

You should promote and support these principles by leadership and example.

## **General Obligations**

### **5. (1) You must:**

- (a) treat others with respect, including the organisations and public you engage with and those you work alongside.
- (b) value your colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between you that is essential to good local government.

### **(2) You must not:**

- (a) do anything which may cause the Council to breach 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;
  - (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 the 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.

### **6. 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:
    - (aa) reasonable and in the public interest; and
    - (bb) 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.

### **7. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.**

### **8. You must:**

- (a) 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;

- (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; and
    - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes);
  - (c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986;
  - (d) behave in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures.
9. (1) When reaching decisions on any matter you must listen to the interests of all parties and have regard to 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 statutory duties) and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- (2) You must:
- (a) exercise independent judgement and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a member.
  - (b) contribute to making the Council'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 you and other members to account.
  - (c) be accountable for your decisions and co-operate when scrutinised internally and externally, including by local residents.
10. You must:
- (a) champion the needs of residents – the whole community and your constituents, including those who did not vote for you – and put their interests first.
  - (b) deal with representations, or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
  - (c) not allow other pressures, including your financial interests or others connected to you, to deter you from pursuing constituents casework, the interests of the Council's area or the good governance of the Council in a proper manner.
11. You must provide leadership by behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council.

## PART 2

### Interests

#### Disclosable Pecuniary Interests

12.(1) You have a disclosable pecuniary interest in any business of the Council where it is of a description set out in paragraph 12(2) and either:

- (a) it is an interest of yours; or
- (b) it is an interest of your spouse or civil partner and you are aware that the other person has the interest; or
- (c) it is an interest of a person with whom you are living as husband and wife and you are aware that the other person has the interest; or
- (d) it is an interest of a person with whom you are living as if you were civil partners and you are aware that the other person has the interest.

(2) Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

#### Interest

#### 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 Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

#### Contracts

Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council:

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

*For this purpose "body in which you or they have 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**

Any beneficial interest in land which is within the Council's area.

*For this purpose "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.*

**Licences**

Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.

**Corporate tenancies**

Any tenancy where (to your knowledge):

- (a) the landlord is the Council; and
- (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest

**Securities**

Any beneficial interest in securities of a body where:

- (a) that body (to your knowledge) has a place of business or land in the Council's area; and

(b) either:

- i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*For this purpose, "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.*

### **Disclosable Pecuniary Interests in matters considered at meetings**

13.(1) Subject to sub-paragraph (2) and (3), where you are:

- (a) present at a meeting of the Council; and
  - (b) have a disclosable pecuniary interest in any matter to be considered, or being considered at the meeting; and
  - (c) you are aware that you have such an interest, you must:
    - (i) disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council's register of interests of members and co-opted members or for which you have made a pending notification; and
    - (ii) not participate or participate further, in any discussion of the matter at the meeting; or participate in any vote, or further vote, taken on the matter at the meeting; and
    - (iii) in accordance with the Council's Standing Orders, withdraw from the room or chamber where a meeting considering the business is being held:
      - aa) in the case where sub-paragraph (3) applies, immediately after making representations, answering questions or giving evidence;
      - bb) in any other case, wherever it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from the Council's Standards Committee or Monitoring Officer.

(2) Where you have a disclosable pecuniary interest which by virtue of paragraph 19 is considered to be a sensitive interest, you must indicate to the meeting that you have a disclosable pecuniary interest in the matter concerned, but need not disclose the details of the interest to the meeting.

(3) Where you have a disclosable pecuniary interest in any business of the Council, you may attend a meeting (including a meeting of the overview and scrutiny committee of the Council or of a sub-committee of such a committee) 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.

(4) Where the interest is not entered in the Council's register of interests of members and co-opted members and is not the subject of a pending notification, you must notify the Council's Monitoring Officer of the interest in writing before the end of 28 days beginning with the date of the meeting.

### **Disclosable Pecuniary Interests in matters considered by a single member**

#### **14.(1) Where:**

- (a) a function of the Council may be discharged by you acting alone;
- (b) you have a disclosable pecuniary interest in any matter to be to be dealt with, or being dealt with, by you in the course of discharging that function; and
- (c) you are aware that you have such an interest,  
you must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

(2) Where the interest is not entered in the Council's register of interests of members and co-opted members and is not the subject of a pending notification, you must notify the Council's Monitoring Officer of the interest in writing before the end of 28 days beginning with the date when you became aware that the condition in sub-paragraph 14(1)(c) is met in relation to the matter.

### **Criminal offences relating to Disclosable Pecuniary Interests**

#### **15.(1) You will commit an offence if, without reasonable excuse, you –**

- (a) Fail to notify the Council's Monitoring Officer within 28 days of your election of any disclosable pecuniary interests which you have at the time when the notification is given.
- (b) Fail to disclose a disclosable pecuniary interest in any matter to be considered, or being considered, to the meeting where that interest is not entered in the Council's register of interests of members and co-opted members.
- (c) Fail to notify the Council's Monitoring Officer of any disclosable pecuniary interest that you have disclosed to a meeting, where that interest is not already entered in the Council's register of interests of members and co-opted members or subject to a pending notification, before the end of 28 days beginning with the date of the meeting.
- (d) Are an executive member and you fail to notify the Council's Monitoring Officer of any disclosable pecuniary interest that you have in any matter to be to be dealt with, or being dealt with, by you in the course of discharging that executive function, where that interest is not entered in the Council's register of interests of members and co-opted members or subject to a pending notification, before the end of 28 days beginning with the date that you became aware of such an interest.



- (e) participate, or participate further, in any discussion of a matter in which you have a disclosable pecuniary interest, or participate in any vote, or further vote, taken on any such matter.
- (f) Are an executive member and you take any steps, or any further steps, in relation to any matter to be dealt with, or being dealt with, by you in the course of discharging that executive function in which you have a disclosable pecuniary interest (except for the purpose of enabling the matter to be dealt with otherwise than by you).
- (g) Provide information that is false or misleading when notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting and you:
  - i. know that the information is false or misleading, or
  - ii. are reckless as to whether the information is true and not misleading.

## **Interests other than Disclosable Pecuniary Interests**

### **Non-pecuniary Interests**

16.(1) You have a non-pecuniary interest in any business of the Council where either:

(a) It relates to or is likely to affect:

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
  - (ii) any body:
    - (aa) exercising functions of a public nature;
    - (bb) directed to charitable purposes; or
    - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).
- of which you are a member or in a position of general control or management;
- (iii) any employment, office, trade, profession or vocation carried on by you not for profit or gain;
  - (iv) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income;
  - (v) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

or

(b) 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:

- (i) a member of your family or any person with whom you have a close association;
- (ii) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (iii) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (iv) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

#### **Disclosure of Non-pecuniary Interests**

17.(1) Subject to sub-paragraph (2) to (6), where you have a non-pecuniary interest in any business of the Council and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a non-pecuniary interest in any business of the Council which relates to or is likely to affect a person described in paragraph 16(1)(a)(i) or 16(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the non-pecuniary interest.

(4) Where you have a non-pecuniary interest but, by virtue of paragraph 19 it is considered to be a sensitive interest, you must indicate to the meeting that you have a non-pecuniary interest in the matter concerned, but need not disclose the details of the interest to the meeting.

(5) Where you have a non-pecuniary interest in any business of the Council 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.

(6) In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under Section 22 of the Local Government Act 2000.

(7) Subject to paragraphs (8) and (9) below, if you have a non-pecuniary interest in any business of the Council you may participate, vote and remain in the room or chamber where a meeting considering the business is being held unless your interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to

prejudice your judgement of the public interest.

- (8) If you have a non-pecuniary interest in any business of the Council you may participate, vote and remain in the room or chamber where a meeting considering the business is being held where that business relates to the functions of the Council in respect of:
- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iii) an allowance, payment or indemnity given to members;
  - (iv) any ceremonial honour given to members; and
  - (v) setting council tax or a precept under the Local Government Finance Act 1992.
- (9) Where you have a non-pecuniary interest in any business of the Council in the circumstances set out in paragraph (7) above, you may remain in the room or chamber where a meeting considering the business is being held 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.

### **Gifts and Hospitality**

- 17.(1) You must, within 28 days of receipt, notify the Council's Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50.00 which you have accepted as a member from any person or body other than the authority.
- (2) Any gifts or hospitality notified to the Monitoring Officer will be included in the register of interests of gifts and hospitality.
- (3) The duty to notify the Monitoring officer does not apply where the gift or hospitality comes within any description approved by the Council for this purpose.

## **PART 3**

### **Register of interests of members and co-opted members**

18.(1) Subject to paragraph 19, you must, within 28 days of:

- (a) this Code being adopted by the Council, or
- (b) your election or appointment to office (where that is later),

register in the Council's register of interests of members and co-opted members (maintained under Section 29(1) of the Localism Act 2011) details of all disclosable pecuniary interests and non-pecuniary interests you have at the time the notification is given by providing written notification to the Council's Monitoring Officer.

- (2) Where you become a member or co-opted member of the Council as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards interests not entered in the Council's register of interests of members and co-opted members when the notification is given.
- (3) You must, within 28 days of becoming aware of any new interests or change to any interests registered under paragraph (1), register details of that new interests or change by providing written notification to the Council's Monitoring Officer.
- (4) You are obliged to register details of disclosable pecuniary interests in accordance with paragraphs 13(4) and 14(2).
- (5) Any interests notified to the Monitoring Officer will be included in the register of interests of members and co-opted members.
- (6) A copy of the register will be available for public inspection and will be published on the Council's website.

### **Sensitive Interests**

19.(1) This paragraph applies where you have an interest (whether or not a disclosable pecuniary interest) and the nature of the interest is such that you and the Council's Monitoring Officer, consider that disclosure of the details of the interest could lead to you or a person connected with you being subject to violence or intimidation ("sensitive interest").

- (2) If the sensitive interest is entered in the Council's register of interests of members and co-opted members, copies of the register that are made available for inspection, and any published version of the register, will not include details of the interest (but may state that you have an interest the details of which are withheld under Section 32(2) of the Localism Act 2011).
- (3) You must, within 28 days of becoming aware of any change of circumstances which means that an interest excluded under paragraph 19(2) is no longer a sensitive interest, notify the Council's Monitoring Officer asking that the interest be included in copies of the register that are made available for inspection, and any published version of the register.

**Councillors' and Co-opted Members' Code of Conduct**

'Co-opted member' means any person who is a member of any committee or sub-committee of the Council but is not one of its elected members.

## **1. Application**

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Nottingham City Council, including:

- 1.1 at formal meetings of the Council, its Committees and Sub-Committees, the Executive Board and its Committees and Sub-Committees;
- 1.2 when acting as a representative of the Council;
- 1.3 in making any decision as a Portfolio Holder or a Ward Councillor;
- 1.4 in discharging your functions as a Ward Councillor;
- 1.5 at briefing meetings with colleagues;
- 1.6 at site visits; and
- 1.7 when corresponding with the Council other than in a private capacity.

## **2. Principles**

The principles underpinning this Code of Conduct are that you will act with:

Selflessness  
 Integrity  
 Objectivity  
 Accountability  
 Openness  
 Honesty  
 Leadership  
 Respect for others  
 A commitment to uphold the law

## **3. General Conduct**

You must:

- 3.1 provide leadership to the Council and the communities within its area, by personal example;
- 3.2 respect others and not bully any person;
- 3.3 recognise that colleagues (other than political assistants) are employed by and serve the whole Council;
- 3.4 respect the confidentiality of information which you receive as a member:
  - (a) not disclosing confidential information to third parties unless required to do so by law or where there is a clear and over-riding public interest in doing so; and

- (b) not obstructing third parties' legal rights of access to information;
- 3.5 not misconduct yourself in a manner which is likely to bring the Council into disrepute;
- 3.6 use your position as a member in the public interest and not for personal advantage;
- 3.7 accord with the Council's reasonable rules on the use of public resources for private and political purposes;
- 3.8 exercise your own independent judgement, taking decisions for good and substantial reasons:
  - (a) attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups;
  - (b) paying due regard to the advice of colleagues, and in particular to the advice of the statutory officers; and
  - (c) stating the reasons for your decisions where those reasons are not otherwise apparent;
- 3.9 account for your actions, particularly by supporting the Council's scrutiny function; and
- 3.10 ensure that, as far as within your powers, the Council acts within the law.

#### **4. Disclosable Pecuniary Interests**

You must:

- 4.1 comply with the statutory requirements to register, disclose and withdraw from participating in any matter in which you have a Disclosable Pecuniary Interest;
- 4.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your Disclosable Pecuniary Interests;
- 4.3 verbally declare the existence and nature of any Disclosable Pecuniary Interest at any meeting you attend where an item of business which affects or relates to the subject matter of that interest is to be considered, at or before that item of business is considered or as soon as you are aware of the interest;
- 4.4 'Meeting' means any meeting organised by or on behalf of the Council, including:
  - (a) any meeting of the Council, or a Committee or Sub-Committee of Council;
  - (b) any meeting of the Executive Board and any of its Committees or Sub-Committees;
  - (c) in taking a decision as a Ward Councillor or as a Leader or a Portfolio Holder;
  - (d) at any briefing by colleagues; and
  - (e) at any site visit to do with business of the Council;
- 4.5 unless you have the benefit of a current and relevant dispensation in relation to the matter being considered you must:
  - (a) not participate, or participate further, in any discussions of the matter at the meeting;
  - (b) not participate in any vote, or further vote, taken on the matter at the meeting;

- and
  - (c) remove yourself from the meeting while any discussion or vote takes place on the matter;
- 4.6 where you are able to discharge a function of the Council acting alone and you are aware that you have a Disclosable Pecuniary Interest in a matter being dealt with, or to be dealt with, by you in the course of discharging that function, you must:
  - (a) not take any steps, or further steps, in relation to the matter (except for the purpose of enabling someone other than you to deal with the matter); and
  - (b) notify the Monitoring Officer (in writing) of that Disclosable Pecuniary Interest within 28 days of becoming aware of the interest if the interest is not already entered in the register and has not already been notified to the Monitoring Officer.

## **5. Other Interests**

- 5.1 In addition to the requirements of Paragraph 4, if you attend a meeting where any item of business is to be considered and you are aware that you have an 'Other Interest' in that item, you must verbally declare the existence and nature of that interest at or before that item of business is considered or as soon as you are aware of the interest;
- 5.2 you have an "Other Interest" in an item of business of the authority if it not a Disclosable Pecuniary Interest, and:
  - (a) you are, or ought reasonably to be, aware that a decision in relation to an item of business to be transacted might reasonably be regarded as affecting your wellbeing or financial position, or the wellbeing or financial position of a member of your family or a person with whom you have a close association, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of your ward or the Council's administrative area, or
  - (b) it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code in respect of a member of your family (other than a 'relevant person'\*) or a person with whom you have a close association, or
  - (c) a reasonable member of the public, with knowledge of all the circumstances, would consider that you have an interest which would prejudice your judgement if you were involved in making any decision on that item of business;

\* your spouse or civil partner, a person you are living with as husband or wife, or a person you are living with as if are civil partners.

- 5.3 you are not required to notify the Monitoring Officer of 'Other Interests' for inclusion in the register. However, you are required to declare that interest and act in accordance with paragraphs 4.5 or 4.6 above.

## **6. Sensitive Interests**

- 6.1 You must notify the Monitoring Officer of the details of sensitive interests but these details will not be included in any published version of the register;
- 6.2 if you have a sensitive interest you are required to declare that you have an interest to meetings (as required by paragraph 4.3 and 5.3 of this Code) but the detail of the

interest need not be declared.

## **7. Gifts and Hospitality**

- 7.1 You must, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the Council within 28 days of receipt;
- 7.2 the Monitoring Officer will place your notification on a public register of gifts and hospitality;
- 7.3 this duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

## **8. Disclosure and Barring Service Checks**

- 8.1 You shall co-operate fully with any Disclosure and Barring Service checks (at whatever level) required under Council policies and practices or as required or requested by an appropriate officer of the Council (being the Corporate Director for Children and Adults and the Monitoring Officer). Any Councillor:
  - (a) who has not complied with the requirement to have a DBS check within one month of being elected; or
  - (b) who fails to maintain a valid DBS check; or
  - (c) whose check discloses matters which may present a risk to children and vulnerable adults (in the opinion of the Corporate Director for Children and Adults and the Monitoring Officer);is disbarred from all offices and membership of committees, sub committees, panels or outside bodies.

## **9. Safeguarding**

- 9.1 Notwithstanding the generality of the previous provisions of this Code, you will comply with the following requirements specific to Council functions concerning children, young people and vulnerable and elderly adults;
- 9.2 you must, at all times, act in your office with particular regard to, and supporting, the duties of the Council with respect to children, young people and vulnerable and elderly adults;
- 9.3 you must not obstruct, nor seek to obstruct the effective performance of the Council's functions concerning children, young people and vulnerable and elderly adults nor, improperly, seek to influence the outcome of any decision taken, or to be taken, in relation to children, young people, or vulnerable or elderly adults, nor seek preferential treatment for any such person;
- 9.4 you must carry out, or attend any training events or courses designated by the Corporate Director for Children and Adults as mandatory for Councillors and co-opted members.



# WHAT IS A DISCLOSABLE PECUNIARY INTEREST?

## APPENDIX 1

<p><b>Disclosable pecuniary interest</b>  <b>*Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*</b></p>	<p><b>Guidance</b></p>
<p><b>1. Employment</b>  Any employment, office, trade, profession or vocation carried out for profit or gain.</p>	<p>A short description of any job or business you and your partner have to declare for income tax purposes, including any trade, profession or vocation and including the name of your employer. You are required to declare any employment or business even if it is not within the Council's area. You are not required to declare what income you receive.</p> <p>Give a short description of the activity concerned; for example, "Computer Operator" or "Accountant".</p> <p>Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you.</p>
<p><b>2. Sponsorship</b>  Any payment or provision of any other financial benefit (other than from the Nottingham City Council) made or provided in the last 12 months in respect of any expenses incurred in carrying out your duties as a Councillor or co-opted member, or towards your election expenses, including any payment or financial benefit from a trade union.</p>	<p>Sponsorship includes another person paying expenses which you would otherwise have to pay.</p> <p>You should declare the name of any person or body who has made any payments to you in the last year towards your expenses as a Councillor or co-opted member.</p> <p>Councillors should declare the name of any person or body who has made any payments to you in the last year towards your election expenses.</p> <p>You do not need to declare the amounts of any payments: only the name of the person or body making them. This would usually mean a political party at election time.</p> <p>Any payments and statutory allowances received from a local authority do not need to be declared.</p>

<p><b>Disclosable pecuniary interest</b>  <b>*Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*</b></p>	<p><b>Guidance</b></p>
<p><b>3. Contracts</b>  Any contracts with Nottingham City Council, including any contracts made between you / your partner and the Council and any contracts made between a body in which you / your partner have a beneficial interest and the Council.</p>	<p>You should give a brief description of the nature and length of any contracts for goods, services or works which you or your partner have with the Council either directly or because you / your partner have a beneficial interest in the body which has the contract, for example as a partner in a firm or a paid director of a company.</p> <p>This includes contracts with the Council even if the works, goods or services are for third parties, eg a voluntary sector organisation.  Only contracts that have not been fully discharged need to be notified.</p>
<p><b>4. Land</b>  Any beneficial interest in land within Nottingham City Council's boundaries.</p>	<p>You should include any land in the area of the Council in which you or your partner have a beneficial interest (freehold or leasehold or a short tenancy), either of your own, or jointly with one or more other people. You have a beneficial interest in land if, for example, you own, you rent, you are entitled to the proceeds of, or you may, under a trust, become entitled to the proceeds of that land.</p> <p>You should give the address of the land or (where, for example, it is land without any buildings on it) a brief description which is good enough to identify the location.</p> <p>If you live in the City then you should include your home under this heading whether as owner, lessee, or tenant. You only need to give the address. You do not need to give any details about your mortgage, lease agreement, rent etc.</p> <p>Excluded is land where you are a trustee for other people or where you are an executor or administrator of the estate of someone who has died and have no interest in the estate. If you own land outside the area of the Council you do not have to declare it but if you receive an income from the</p>

<p><b>Disclosable pecuniary interest</b>  <b>*Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*</b></p>	<p><b>Guidance</b></p>
<p><b>5. Licences</b>  Any licence (alone or jointly with others) to occupy land within Nottingham City Council's boundaries for a month or longer.</p>	<p>land then in the 'Employment section' the property letting business should be declared, but it is not necessary to state where the property is.</p> <p>You should list any licences that you / your partner has either on your own or jointly with others, or any permission that you have to occupy land (for example, as an allotment or for fishing or shooting) where the licence, or permission, will last for a month or longer.</p> <p>You should give the address of the land or (where, for example, it is land without any buildings on it) a brief description good enough to identify the location.</p>
<p><b>6. Corporate Tenancies</b>  Any tenancy where (to your knowledge)  (a) Nottingham City Council is the landlord; and  (b) the tenant is a body in which you / your partner has a beneficial interest.</p>	<p>You should list the address of any land or buildings rented from the Council by you or a body in which you / your partner have a beneficial interest.</p> <p>You should give the address of the land or (where, for example, it is land without any buildings on it) a brief description good enough to identify the location.</p>
<p><b>7. Securities</b>  Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in Nottingham City; and either  (a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>	<p>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.</p> <p>You should list the names of any companies, industrial and provident societies, co-operative societies, or other bodies corporate that (to your knowledge) are active in the City and in which you or your partner have a substantial interest. You do not need to show the extent of your interest.</p>

<p><b>Disclosable pecuniary interest</b>  <b>*Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*</b></p>	<p><b>Guidance</b></p>
	<p>You have a substantial interest if you own shares or other securities in the company with a nominal value of more than £25,000 or more than 1/100th of the issued share or securities (whichever is lower) eg if the company has 100 £1 shares and you have one share, you need to declare the interest. The value of shares is the face value (the value recorded on the share certificate) not the current market value. For example, you bought 10,000 £1.50 shares (face value) in 1999. The market value at that time was £3.00 each, so the total paid was £30,000, but the shares are now worth £45,000. The nominal value of the shares would be £15,000 (10,000 x £1.50). Therefore, you would not be obliged to enter the shares in the register of interests, even though the current market value of the shares is £45,000.</p> <p>It is not necessary to declare the size or nature of the holding, simply the name of the company or other body. You have a beneficial interest in a type of share if, for example, you own, you are entitled to the proceeds of, or you may, through a trust or will, become entitled to the proceeds of, that type of share. You do not need to register any such interest that you have as trustee.</p> <p>If you know the companies in which your PEP, ISA or pension fund has invested and:</p> <ul style="list-style-type: none"> <li>• those companies have a place of business or land in the City; and</li> <li>• your beneficial interest in the investment is greater than the levels indicated above,</li> </ul> <p>then you need to register that interest. You are only required to register interests which are known to you. The Code does not require you to investigate the investment portfolio of any PEP, ISA or pension scheme to which you may belong.</p> <p>If there are several classes of shares or securities, the fraction of 1/100th</p>

<p><b>Disclosable pecuniary interest</b>  <b>*Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*</b></p>	<p><b>Guidance</b></p>
	<p>applies to any of these classes.</p> <p>A company or body corporate is active in the City if it has land or a place of business in the City boundaries.</p>



# **REVISING RUSHCLIFFE'S CODE OF CONDUCT AND TRAINING AND DEVELOPMENT**

**GLEN O'CONNELL  
MONITORING OFFICER  
RUSHCLIFFE BOROUGH COUNCIL**

**Town and Parish Forum 9 November 2017**

# The Code

Localism Act 2011 abolished Standards Board for England and the model code of conduct. It also aimed to streamline the process for dealing with complaints

The Act requires that **‘relevant authorities’**:

- Must promote and maintain high standards of conduct – Section 27 (1)
- Adopt a code dealing with the conduct expected of Councillors (when acting as Councillors) – Section 27 (2)
- The Borough Council and Parish Councils are “relevant authorities” – Section 27(6) (b) and (d)



# Code Principles

- Codes adopted must be **consistent** with the 7 Nolan principles of standards in public life:
  - **Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership**
  - **But can contain specific requirements within those principles**

Councils given freedom to determine their Code, most in Rushcliffe follow RBC's model

- The Code must also include provisions “the authority considers appropriate “ for registering pecuniary and “interests other than pecuniary interests ”
- Details of pecuniary interests are set out in Regulations

# Key Points

- All Parishes have been operating their own Code for a while
- Borough Council has a minimalist Code (NB Constitution is under review, **including the Code** )
- Parish Councils can use the same Code or agree their own
- It is for the Parish Council to set the standards it expects and set them out clearly in their Code
- **Areas for potential change for RBC code include:**
  - - inclusion of “interests other than pecuniary interests”
  - - specific provisions on conduct
  - - inclusion of gifts and hospitality protocol

# DPIs - Key elements (1)

- The Localism Act and regulations require registration of a pecuniary interest if it:
  - Is the Member's interest, or
  - Is the interest of their spouse or civil partner, a person they are living with as husband or wife, or a person they are living with as spouse or civil partner
  - And the Member is aware that that other person has the interest
- DCLG state that this gives an assurance that members are not putting their own interests ahead of those of the public
- Categories of DPI are set out in the regulations

## DPIs - Key elements (2)

- If a member has a disclosable pecuniary interest in a matter to be, or being considered at the meeting they may **not**:
  - Participate in any discussion of the matter at the meeting, or
  - Participate in any vote taken on the matter at the meeting
- Failure to comply with DPI requirements may involve criminal offences

# DPIs – Some Issues

- Is it about the subject of the interest only (eg councillor house/land – not neighbours?)?
- Government guidance – “relating to” – has this changed anything, or clarified anything?
- Dominant expert view – takes a narrow view of how far ‘off-site’ a DPI can go
- Would be simpler with a clear set of ‘ interests other than pecuniary interests ’ provisions

# **“Interests other than pecuniary interests”**

- Law and guidance is not clear – but local discretion
- Rushcliffe and many parish codes are not specific
- Scope for change as current position gives an undue focus on DPIs?
- e.g. - Gedling/Nottingham formula – similar to old personal and prejudicial test
- Can also effectively cover non-family interests which were similar to DPIs

# Behaviour

- Nolan principles
- ‘You must promote and support high standards of conduct ....’
- **Do Codes need more direct content on this?**
- e.g. bullying and intimidation,
- e.g. failure to act within powers or comply with S.O.s/financial regulations,
- e.g. consider advice,
- e.g. acceptance of inappropriate gifts and hospitality

# Some Experience of Town/Parish Issues

- Issues are so much more local – issues with DPs and “interests other than pecuniary interests”
- Disputes are personalised and often based on behaviour
- Poor relationships can lead to dysfunctionality
- Officer base is lean and potentially isolated
- Can Code changes help provide better support (e.g. bullying and intimidation)?



# Neighbourhood Plans

- Raises extreme sensitivities at parish level
- Advice is sparse but the balance favours a narrow view on DPis
- Remember the wider context and democratic safeguards in NP processes
- Dispensations – consider them, they may avoid criminality but are not a passport through the Code

# GROUP WORK – the Code of Conduct

- Do you support revisions to the Code
- What should “ interests other than pecuniary interests ” cover –was the old “ Personal and Prejudicial ” formula better?
- Should there be more specifics about behaviour? If so, what? (cf Slides 8 and 9)

# GROUP WORK –Training and Development

- Separate into clerks' and councillors'/chairs' group tables
- Exercise 1 – identify your 5 key concerns in performing your roles – “ technical ” and personal
- Exercise 2 – identify your 5 top priorities for Training and Development
- Exercise 3 – identify your top 5 Qs for FAQs

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**EMAIL SENT – 30 October 2017**

Dear Councillor/Clerk/Officer

Ahead of the meeting of the Forum next week, I thought it would be useful to set out what I am trying to get from my session, which is scheduled for 9.30 a.m. I am intending to cover two broad and linked areas:

1. Training and Development: I attach a copy of my report to yesterday's meeting of the Borough Council's Standards Committee, which gives more background, and which was supported by the Committee. At next week's session I will be looking for your ideas about what can be included in the local initiative and how best it can dovetail with resources that are already available to you, such as through NALC and SLCC. It is very important that you recognise that this is not just about sector specific knowledge for this tier of local government, as my experience with some councils suggests that, as small businesses, there may be merit in considering using a wider range of management and leadership training resources and approaches. At the Forum, I would like to do some work with you, in role-specific groups, to seek to identify the top concerns you have in relation to your working environment ( which may include highlighting some difficult issues about personalities, but the outputs will be not be attributable ) ; to identify your priorities for training and development ; and a list of topics from which you may like to build a "Frequently Asked Questions" resource. I also hope the Forum will provide a source of volunteers to help with this initiative as I am sure that learning from local best practice will be an effective way forward.
2. Code(s) of Conduct: A major part of my work with the council this year has been supporting the revision of the Borough Council's Constitution. The Code of Conduct is an important part of the Constitution but has also been adopted by many Town and Parish councils, so it is important they are able to be involved in the process of revising it. My session will include some brief observations on the Code as it stands, along with suggestions for areas for change, but will, then, move into an exercise to identify your opinions on the current code and your ideas for changes. This is an early opportunity for involvement, but, in due course, I intend to consult all councils using the Rushcliffe model on any proposed changes to it.

I have addressed this e-mail to the Clerks but would be very grateful if they could ensure that it is forwarded to everyone at their council who is intending to go to the Forum next week, and I look forward to seeing you there.

Glen O'Connell  
Monitoring Officer  
Rushcliffe Borough Council

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## **REVISIONS TO THE CODE OF CONDUCT**

### **TOPIC 4 – VIEWS ON CHANGES TO THE CODE OF CONDUCT**

Responses are summarised under each question asked - differences reflect views expressed on different tables

#### ***Q.1 Do you support revisions to the code?***

##### **Councillors:**

Support revisions to the Code but needs to be brief with practical guidance and examples

Go back to the previous Code

##### **Clerks:**

Yes

#### ***Q.2 On interests – was the old “Personal and Prejudicial “ test better?***

##### **Councillors:**

No (N.B. only one table’s response is available on this point – this was the last exercise and note that for Q.1 there was the response suggesting to go back to the previous Code which contained this test).

##### **Clerks:**

- (1) Yes
- (2) none of us worked under the previous system
- (3) need to declare specifics

#### ***Q.3 What should “interests other than pecuniary interests “cover?***

##### **Councillors:**

- (1) Declare affiliations – [but] materiality and proportionality ( that person is not solely making the decision )
- (2) Declare person known and relationship
- (3) Chair to mention and remind [councillors of the need for consideration of interests] when discussing certain aspects

##### **Clerks**

- (1) Use of social media sites by councillors to comment on [ as?] councillor views
- (2) Gifts
- (3) Associated contact with a councillor to be declared
- (4) Range of non-pecuniary personal interests such [ as external ? ] committees

***Q.4 Should there be more specifics about behaviour?***

**Councillors:**

Should be adhered to at all times

**Clerks:**

- (1) Yes (tables)
- (2) Expectations on role of Clerk and Councillor interaction

***Q.5 If so, what?***

**Councillors:**

No response given [– probably lack of time ]

**Clerks:**

- (1) Less headstrong chairs and councillors
- (2) Adherence to rules
- (3) Protocols around the use of Councillor title – letters, e-mails and social media

**NEXT STEPS**

This summary is, initially, being circulated to attendees at the Forum to give them the opportunity to correct, clarify or add to any comments they were involved with making. Fully recognising that the workshops were very time-constrained, any other, new, comments that attendees wish they had made at the time will be welcomed. The comments will all be taken into account in moving forward on revising the Code.