When telephoning, please ask for: Direct dial

Tracey Coop 0115 914 8511

Email

constitutionalservices@rushcliffe.gov.uk

Our reference: Your reference:

Date: Friday, 21 September 2018

To all Members of the Standards Committee

#### **Dear Councillor**

A Meeting of the Standards Committee will be held on Monday, 1 October 2018 at 7.00 pm in the Council Chamber Area B, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

Julian Crowle Monitoring Officer

#### **AGENDA**

- 1. Apologies for Absence
- 2. Minutes of the Meeting held on 2 July 2018 (Pages 1 4)
- 3. Declarations of Interest
- 4. Cases and Work Update 2018 2019 (Pages 5 8)
- 5. Revision to the Councillors' Code of Conduct (Pages 9 18)

#### Membership

Chairman: Councillor J Wheeler

Councillors: S Bailey, M Buckle, R Inglis, S Mallender, F Purdue-Horan,

Independent Members: 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 Monday to Friday 8.30am - 5pm

Telephone: 0115 981 9911

Email:

customerservices @rushcliffe.gov.uk

www.rushcliffe.gov.uk

Postal address

Rushcliffe Borough Council Rushcliffe Arena Rugby Road West Bridgford Nottingham 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.

#### **Recording at Meetings**

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt.



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# Agenda Item 2



# MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE

## MONDAY, 2 JULY 2018

Held at 7.00 pm in the Council Chamber Area B, Rushcliffe Arena, Rugby Road, West Bridgford

#### PRESENT:

Councillors J Wheeler (Chairman), M Buckle, R Inglis, S Mallender, F Purdue-Horan and Mrs J Smith

#### **ALSO IN ATTENDANCE:**

J Baggaley Independent Person for Standards Matters

G Norbury Independent Member K White Independent Member A Wood Independent Member

#### **OFFICERS IN ATTENDANCE:**

T Coop Constitutional Services Officer

J Crowle Monitoring Officer

#### **APOLOGIES:**

Councillor S Bailey

#### 1 Declarations of Interest

There were no declarations of interest.

#### 2 Minutes of the Meeting held on 30 April 2018

The Minutes of the meeting held on Monday 30 April, 2018 were accepted as a true record.

Councillor Purdue-Horan requested that at future meetings if a member of the committee was joining the meeting on a conference call that this should be declared at the beginning of the meeting.

#### 3 **Cases and Work Update 2018 - 2019**

The Monitoring Officer provided a report to update the committee on the number of complaints regarding alleged breaches of the Councillor's Code of Conduct. The report highlighted that since the last meeting on 30 April 2018 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 Councillors Complaints Procedure and, where appropriate the independent person had been consulted.

The Monitoring Officer reported that the three cases had been complaints from two Borough Councillors about the actions of another Borough Councillor and one case from a member of the public about the actions of a Borough Councillor. The Monitoring Officer advised that of these cases had been rejected following the initial appraisal stage.

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

#### 4 Revisions to the Councillors' Code of Conduct

The Monitoring Officer submitted a report seeking the committee's thoughts and suggestions on proposed revisions to the Code of Conduct for Councillors and Co-opted Members. It was noted that following the recent review of, and changes to the Borough Council's Constitution and the previous Monitoring Officer's report to the last Standards Committee, it had agreed that revisions to the Councillors Code of Conduct be considered (Minute No.17 2017/18). The report of the Monitoring Officer sought to identify potential areas of addition and amendment to the current code, and in particular the disclosure of non-Pecuniary Interests and the adoption of the Nolan Principles.

The report included information and examples from other council's Codes of Conduct including Nottingham City Council, Gedling Borough Council and Nottinghamshire County Council and members of the committee considered whether any of the approaches and guidance offered by other councils could potentially be considered for inclusion in an amended Rushcliffe Borough Council Code of Conduct. The Committee also considered whether and to what extent, any additional guidelines relating to the handling of non-pecuniary interests might assist Town and Parish Councils who had already adopted the Borough Council's Code of Conduct and what effect the amendment to the Boroughs Code of conduct would have on them if changes were adopted at Town and Parish level. The Monitoring Officer provided a suggested list of key policies, protocols and procedure for the Committee to comment upon which were included as appendices to his report.

Members of the Committee agreed that there was scope for improvement in areas that were already included in the Code of Conduct that were currently included to add clarity and aid understanding and supported the list of key policies, protocols and procedures and the introduction of a social media protocol that had been suggested by the Monitoring Officer. Members also agreed that the Monitoring Officer should contact the Town and Parish Council Clerks to request information on their current Codes of Conduct and to enquire whether there was any interest in working together to adopt a universal Code of Conduct for all Town and Parish Councils, as well as Rushcliffe Borough Council. Members of the Committee enquired whether there was currently any protocol or guidance on the need to declare membership of Masonic Lodges, the Monitoring Officer advised that he was not aware of any, but that he would investigate this further.

Members of the Committee felt that it would be beneficial, particularly to new councillors, if the Code of Conduct were kept concise, clear and easy to understand and navigate. Members also felt that it might be helpful were the Code of Conduct to refer to other policies and protocols from other parts of the Council's Constitution.

Councillor Mallender commented that the Equality policy of the Council should be updated to include types of equality mentioned in the 2010 Equality Act that are not currently mentioned in the policy

#### It was **RESOLVED** that:

- a) the report be noted.
- the list of proposed key policies, protocols and procedures, as detailed in the report of the Monitoring Officer be supported where relevant to the Council's activities.
- c) that the proposal for the introduction of a social media protocol be supported, and that the Monitoring Officer drafts a social media protocol for the committee's consideration.
- d) that the Monitoring Officer contacts Town and Parish Council Clerks to seek information on their current Codes of Conduct and to establish if there was interest the adoption of a universal Code of Conduct for all Town and Parish Councils, as well as Rushcliffe Borough Council.
- e) that the Monitoring Officer looks to investigate and establish if there are any examples the requirement for the declaration of membership of Masonic Lodges that could be considered for inclusion in a revised Code of Conduct.

### **ACTION SHEET – 2 July 2018**

Minute No.	Action	Officer Responsible
4	That the Monitoring Officer drafts a social media protocol for the committee's consideration.	Monitoring Officer
4	That the Monitoring Officer contacts Town and Parish Council Clerks to seek information on their current Codes of Conduct and to establish if there was interest the adoption of a universal Code of Conduct for all Town and Parish Councils, as well as Rushcliffe Borough Council	Monitoring Officer
4	That the Monitoring Officer looks to investigate and establish if there are any examples the requirement for the declaration of membership of Masonic Lodges that could be considered for inclusion in a revised Code of Conduct.	Monitoring Officer

The meeting closed at 7.55 pm.

CHAIRMAN



#### **Standards Committee**

1 October 2018

Cases and Work Update 2018 -2019

#### **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 1/18 to 4/18 were reported at the last meeting. No cases have been reported since the date of the last meeting.
- 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.

#### 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 invitations have been made for presentations to Parish Councils but at the time of writing this report have not been arranged.
- 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. **Lega**l

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

For more information contact:	Julian Crowle Monitoring Officer jcrowle@rushcliffe.gov.uk
Background papers Available for Inspection:	None
List of appendices (if any):	Appendix A – Summary of New Cases from January 2018

## Appendix A

## Summary of new cases from January 2018

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
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	Complaint rejected following initial assessment
3/18	15/3/2018	Borough Council	Borough Councillor	Yes	Complaint rejected following initial assessment
4/18	16/4/2018	Borough Council	Member of the public	Yes	Complaint rejected following initial appraisal





#### **Standards Committee**

1 October 2018

**Revision to the Councillors' Code of Conduct** 

#### **Report of the Monitoring Officer**

#### 1. Summary

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

#### 2. Recommendation

It is RECOMMENDED that:

- a) The Committee consider and comment upon and the attached draft social media guidelines.
- b) The Committee consider the comment upon the attached draft revisions to the Code of Conduct.
- c) Follow comments from the committee, the draft code and social media guide be circulated appropriately to stakeholders for comment.

#### 3. Reasons for Recommendation

- 3.1. The Committee concluded at its last meeting that a guide to assist councillors in the use of social media would be helpful, especially to new councillors.
- 3.2. The Borough Council has a duty to keep its Code of Conduct up to date (section 37 of the Local Government Act 2000) and it should include provisions which the Council considers appropriate in connection with the registration and disclosure of interests (both pecuniary and otherwise) under the provisions of Chapter 7 of the Localism Act.

#### 4. Supporting Evidence

4.1 At the last meeting of the Standards Committee it was agreed that the Monitoring Officer would draft a social media guide and some proposed revisions to the Code of Conduct. Appendices 1 and 2 of this report contain the proposed draft Social Media guide and proposed amendments to the current Code of Conduct for discussion at the meeting. The Committee is

asked to review these items with a view to discussion and suggested amendments to the same.

#### 5. Risk and Uncertainties

5.1 The key risk is achieving a consensus of opinion between stakeholders as to what represents a reasonable way of delivering the improvements contemplated by this report. It is hoped that the Committee can provide robust and reasoned conclusions for recommending the outcomes that it eventually puts forward for determination by Council.

#### 6. Implications

#### 6.6 Finance

It is intended that existing staff resources be used to consider and deliver these proposals.

#### 6.7 **Lega**l

The Legal background is considered above.

#### 6.8 Corporate Priorities

Up to date constitutional documents seek to provide a robust method of supporting delivery of Council objectives

#### 7. Other Implications

None

For more information contact:	Julian Crowle Monitoring Officer  jcrowle@rushcliffe.gov.uk
Background papers available for Inspection:	None
List of appendices (if any):	Appendices:
	1 - Social Media Draft
	2 - Code of Conduct

Rushcliffe Borough Council

Social Media Guidance for Councillors

#### What is social media?

Most forms of engaging with others online can be regarded as social media – it covers a broad range of websites, online tools and other interactive electronic media which allow users to interact with others over the internet. This protocol is intended to offer guidance to all councillors who wish to use social media, whether by laptop, smart phone or other means of access to networking sites, blogs, tweets, messaging services or similar activities.

Examples of sites and applications to which this policy applies includes (but is not limited to) Facebook, Twitter, MySpace, Flickr, YouTube, Instagram, LinkedIn, blog sites, discussion forums, wikis, Whatsapp, Telegram and email. However, social media is evolving rapidly and new sites, applications and means of communicating will emerge over time.

#### What is the purpose of social media?

Social media is regarded as an effective tool for talking and listening to residents, local businesses and other organisations.

It is a useful tool for raising awareness of the work that you do, and for keeping in touch with news and other events in your community.

#### Purpose of this guide

This guide is designed to provide a structured approach to using social media in a way which is effective, lawful and does not compromise either the Council, or your position as a councillor.

However and whenever you engage online it is important to remember that you are personally responsible for what you publish on social media. The chances are, even if you were to delete a hasty or regrettable email, blog, tweet or other communication, someone somewhere will already have read it, and it will therefore be beyond your reach and control.

Inappropriate use of social media may have the following consequences:

- Reputational damage to you individually and/or to the Council
- Breach of code of conduct
- Civil or criminal legal action being taken against you relating to breaches of legislation

#### **Legal responsibilities of Councillors and Co-opted Members**

When using social media in any form, Councillors and Co-opted Members should remember that laws relating to defamation and copyright apply just as much to social media as they do to other forms of communication. The principles contained in the Council's Code of Conduct for Councillors and Members also applies use of social media.

You should, therefore:

- Respect copyright and intellectual property do not post copyrighted images or text if you do not have the permission from the owner
- Take care not to make defamatory statements when using social media. You should ensure that you delete defamatory comments made by others on your site.
- Always comply with the council's data protection policy do not post personal details
  or other information about people on social media unless they have expressly given
  you their consent to do so.
- Never post on matters which are private, restricted, confidential, or internal
- Remember that the council's equality policy and principles apply online to social media – take care not to post items which might be considered discriminatory under the terms of the Equality Act
- Take care not to harass or bully residents or other councillors online.

If you choose to use social media, then remember that you are personally responsible for your social media account. The Council will not indemnify you against any penalties, convictions or other losses that you sustain as a result of your use of social media.

#### **Tips for Councillors**

Consider when use social media is appropriate as a form of communication. It does not, and should not replace your traditional work. Remember that not all residents will use social media.

Consider the best time to use (and not to use) social media – late on a Friday or Saturday night is unlikely to be the best time to engage with residents

Don't discuss specific casework online.

Keep your personal and councillor social media accounts separate. You should not use your personal account for councillor purposes, and you should not use your councillor account for private matters. Ensure that your councillor account is identified as such e.g. "Cllr F Bloggs"

Familiarise yourself with, and make appropriate use of, privacy settings on each social media platform that you use

And above all...

THINK before you type. A good rule of thumb is not to put post any message that you would not be happy to have read out in open court. Do not send messages when you are angry, upset, have been drinking alcohol, or any other situation in which your judgment might be compromised.

#### **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 or belief, gender (including gender reassignment), marital (or civil partnership) status, pregnancy or maternity, sexual orientation or disability
- (I) You must abide by such policies and protocols as are included within the Council's constitution where they are relevant to the work that you carry out as a Councillor or co-opted member

#### 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.

or intimidation.

<sup>&</sup>lt;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

#### **SCHEDULE**

Subject	Prescribed description
Employment, office, trade,	Any employment, office, trade, profession
profession or vocation	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 of the Councillor
	This includes any payment of 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 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
Licenses	Any license (alone or jointly with others) to occupy land I the area of the relevant Authority for a month or longer
Corporate tenancies	Any tenancy where (to the Councillor's knowledge) – (a) the landlord is relevant authority; and (b) the tenant is a body in which the relevant person has beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to the Councillor'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 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 the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

# GUIDANCE FOR COUNCILLORS AND CO-OPTED MEMBERS IN RESPECT OF DECLARING INTERESTS

If business to be transacted or discussed at a meeting either relates to, or is likely to affect any of your interests, especially any of your Disclosable Pecuniary Interests, then you should declare an interest.

Remember that Disclosable Pecuniary Interests include your interests, and those of your spouse/civil partner OR anyone you live with as if they were you spouse/civil partner.

An interest is a Non-Pecuniary Interest when:

- The interest is not a pecuniary interest (as defined in the schedule above) but;
- The interest is so significant that a member of the general public, who knew about your interest would reasonably consider that your interest would materially affect your ability to act in the public interest in connection with the matter being discussed

For example, where a lifelong supporter of Nottinghamshire County Cricket Club, is on a committee discussing a matter that might affect the club, a member of the public might reasonably conclude that your ability to act impartially in this matter might be impaired.

Where you have a Disclosable Pecuniary interest in an item being discussed at a meeting, you should not take part in any discussion or vote relating to that item unless you have previously been granted dispensation to do so. You should leave the meeting room prior to the relevant item on the agenda being discussed and not return until requested by the Chair of the meeting.

Where you have a Non-Pecuniary Interest, you should declare your interest and explain your interest in enough detail for a member of the public to understand it. You may then participate and vote in the normal way.

Please remember to keep your register of interests up to date.

