

Standards Committee

Agenda

Thursday 10 February 2022 at 7.00 pm

Main Hall (1st Floor) - 3 Shortlands, Hammersmith, W6 8DA

MEMBERSHIP

Administration	Opposition
Councillor Rebecca Harvey Councillor Rowan Ree Councillor Helen Rowbottom Councillor Rory Vaughan	Councillor Alex Karmel Councillor Matt Thorley
Co-optees	
His Honour John Rylance Dr Tom Babbedge Dilina Ostborn	

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This meeting is open to members of the public but seats are limited. If you'd like to attend the meeting please contact david.abbott@lbhf.gov.uk

Date Issued: 02 February 2022

Standards Committee Agenda

10 February 2022

<u>Item</u>		<u>Pages</u>
1.	ELECTION OF THE CHAIR	
2.	APPOINTMENT OF CO-OPTED MEMBERS The Committee is asked to note the appointment of the following Independent Persons as Co-opted Members: <ul style="list-style-type: none">• His Honor John Rylance• Dr Tom Babbedge• Ms Dilina Ostborn	
3.	APOLOGIES FOR ABSENCE	
4.	DECLARATION OF INTERESTS If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent. At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken. Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest. Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.	
5.	STANDARDS COMMITTEE TERMS OF REFERENCE The terms of reference for the Standards Committee is presented for information and noting.	4 - 5

6. LOCAL GOVERNMENT ASSOCIATION MODEL CODE OF CONDUCT

6 - 27

This report presents the new Local Government Association Model Code of Conduct for Members and requests that the Standards Committee approve that the Code of Conduct be recommended to Full Council for adoption.

Public Attendance and Covid Guidance

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Before attending the meeting

Do not attend the meeting if you are experiencing covid symptoms.

Even if you are not experiencing covid symptoms, please take a lateral flow test in the 24 hours before the meeting. You can order lateral flow tests online or visit a testing centre: <https://www.lbhf.gov.uk/coronavirus-covid-19/health-and-wellbeing-advice/covid-19-testing>

If your lateral flow test returns positive, you should follow Government guidance to self-isolate.

Attending the meeting

To keep our buildings Covid-safe, it is important that you observe the rules and guidance on social distancing and hand washing. Face coverings must be worn at all times, apart from when you are speaking at the meeting (or if you are exempt from doing so)

Agenda Item 5

Standards Committee Terms of Reference

Members

6 voting Councillors

Quorum

3 Members of the Committee

Political proportionality

4 Administration members
2 Opposition members

Co-optees

3 non-voting Independent Persons are invited to attend

1. Membership

- 1.1 The Chair will be appointed by the Full Council at its Annual Meeting. In the absence of the Chair, the members present shall elect a Chair for the meeting from among the members then present, who shall have the second or casting vote. If the Chair subsequently attends the meeting, the person then in the Chair shall vacate it.

2. Voting

- 2.1 All Councillors on the Committee shall have voting rights. In the event of an equality of votes, the Chair of the Committee shall have a second casting vote.

3. Procedures

- 3.1 Except as provided herein, Council Procedure Rules (as applicable to all Committees) shall apply in all other respects to the conduct of the Committee.
- 3.2 Meetings of the Committee shall be held in public, subject to the provisions for considering exempt items in accordance with sections 100A-D of the Local Government Act 1972 (as amended).

4. Meetings

- 4.1 Meetings will be convened at the request of the Monitoring Officer as required during the Municipal Year.

5. Responsibilities

- 5.1 To promote and maintain high standards of conduct by the Members and Co-opted Members of the Council and church and parent governor representatives.
- 5.2 To assist Members, Co-opted Members and church and parent governor representatives to observe the Members' Code of Conduct.
- 5.3 To advise the Council on the adoption or revision of the Members' Code of Conduct.

- 5.4 To monitor the operation of the Members' Code of Conduct.
- 5.5 To advise and recommend training for Councillors, and co-opted Members and church and parent governor representatives on matters relating to the Members' Code of Conduct.
- 5.6 To periodically review the "arrangements" under Section 28 of the Localism Act 2011 under which allegations that a Member or co-opted Member of the Council, or of a Committee or Committee of the Council has failed to comply with the Council's Code of Conduct are considered, investigated and determined.
- 5.7 To consider reports referred to the Committee by the Monitoring Officer of investigations into alleged breaches of the Council's Code of Conduct for Members.
- 5.8 To discharge all the Council's functions under Section 28 of the Localism Act 2011 in relation to considering, investigating and making a decision on allegations that a Member or co-opted Member of the Council, or of a Committee or Committee of the Council, has failed to comply with the Code of Conduct.
- 5.9 To hear an appeal where a Member is dissatisfied with the decision in respect of a complaint against them.
- 5.10 To consider any applications for dispensations from Councillors and co-opted members to allow them to participate in decisions.
- 5.11 To consider any complaints in respect of Members referred to the Committee under the Council's "Whistleblowing" procedure and determining the action to be taken, if any.
- 5.12 To consider, advise and, if appropriate, take action upon other Member conduct issues not otherwise dealt with under these terms of reference.

Agenda Item 6

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Standards Committee

Date: 10/02/2022

Subject: Local Government Association Model Code of Conduct

Report author: Adesuwa Omoregie, Assistant Director, Legal Services

Responsible Director: Rhian Davies, Director of Resources - Monitoring Officer

SUMMARY

The purpose of this report is to share the new Local Government Association Model Code of Conduct for Members with members and request that the Standards Committee approve that the Code of Conduct be recommended to Full Council for adoption.

RECOMMENDATIONS

That the Standards Committee:

1. Consider the proposed new Member Code of Conduct (at Appendix 1) and provide any comments.
 2. Approve that the new Member Code of Conduct (at Appendix 1) be recommended to Full Council for adoption.
 3. Delegate authority to the Monitoring Officer, following consultation with the Chair of the Standards Committee, to make any final minor changes to the Member Code of Conduct prior to submission to Full Council.
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Wards Affected: All")

Our Values	Summary of how this report aligns to the H&F Values
Doing things with local residents, not to them	The adoption of the new Member Code of Conduct will promote confidence in local democracy given it is the Local Government Association's recommended code.

Financial Impact

There are no direct financial implications as a result of this report.

Andre Mark, Finance business partner, 27 January 2022.

Legal Implications

Section 27 of the Localism Act 2011 (the Act) requires each local authority to adopt a code of conduct which deals with the conduct that is expected of members and co-opted members, when they are acting in that capacity.

Section 28 of the Act requires the Member Code of Conduct (Code) to be consistent with the Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The Code appended at Appendix 1, prepared by the Local Government Association (LGA), is consistent with the Nolan Principles and is suggested national good practice.

The Standards Committee is responsible for standards functions as set out in the constitution and for advising Full Council on the adoption or revision of the Code. Changes to the Code are however decisions reserved to Full Council.

If adopted by Full Council, the Code will replace the Council's current Code and will be published on the Council's website.

Angela Hogan, Chief Solicitor (Contracts and Procurement) 27 January 2022

Background Papers Used in Preparing This Report - None

Background

1. In 2019, the Committee on Standards in Public Life produced a report on "Local Government Ethical Standards". The report made a series of recommendations to ensure that the governance of local authorities was robust and took account of recent learning across the sector. The production of an updated model code of conduct by the Local Government Association (LGA) was one of the recommendations in the report.
2. The report stated that a model code of conduct would create consistency across England and reflect the common expectations of the public regardless of geography or tier of local government.
3. In response to the report, the Local Government Association (LGA) produced a model code of conduct, attached at Appendix 1.

Purpose of the Code of Conduct

4. The purpose of the code of conduct is to assist members in modelling the behaviour that is expected of them and to set out the type of conduct that could lead to action being taken against them. It sets out general principles of conduct expected of all councillors and specific obligations in relation to

standards of conduct. The code is intended to protect councillors' democratic role, encourage good conduct, and safeguard the public's trust and confidence in the role of a councillor.

Consultation on the draft Code

5. In July 2020, members of the Standards Committee and the three Independent persons were consulted on the first draft of code produced by the LGA. The consultation responses are included at Appendix 3.
6. The LGA provided an updated draft of the model code in December 2020 which took into account consultation responses from councillors, officers and other interested parties. The updated version clarified when the Code applied and disclosure of interests.
7. Members of the Standards Committee and Independent Persons were consulted on the updated version in January 2021 and the consultation responses are included at Appendix 3.
8. The LGA provided a further updated version of the Code in September 2021 following the production of guidance. The guidance is included at Appendix 2. Further consultation then took place with the Independent Persons on the updated Code. The consultation responses are included at Appendix 3.

Proposals and Analysis of Options

9. Whilst there is a statutory requirement for every authority to adopt a code of conduct, the LGA's model Code is a template and authorities can choose to adopt it either in whole, with amendments to take into account local circumstances, or continue with the current Code.

Options

Option 1 – Do Nothing and continue with the Council's existing code of conduct

10. The model code of conduct has been updated. It is recommended good practice to adopt the new Code. The Standards Committee should periodically review the Code and consider whether changes should be made. **This is not the recommended option.**

Option 2 – Recommend to Full Council to adopt the draft Code appended at Appendix 1 or with amendments

11. The updated code has undergone various rounds of consultation. It is appropriate for the Standards Committee to consider and make changes to the code of conduct in accordance with national guidance. **This is the recommended option.**

Reasons for Decision

12. There is a statutory requirement for each Council to adopt a code of conduct. Although the Council currently has a Code, the LGA has prepared an updated model code. One of the roles of the Standards Committee is to consider changes to the code of conduct. A recommendation from the Standards Committee is therefore needed before a decision can be made by Council on the adoption of the code.

LIST OF APPENDICES

1. Code of Conduct
2. LGA Guidance for the Code
3. Summary of Consultation responses

London Borough of Hammersmith and Fulham Member Code of Conduct

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a council or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority; or
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, council officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services including councillors and council officers should uphold the Seven Principles of Public Life also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in you, on all occasions **MUST**

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking your role you **SHOULD**:

- impartially exercise your responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the Council’s requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

The Council's Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

STANDARDS OF COUNCILLOR CONDUCT

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor you should:

- 1.1 treat other councillors and members of the public with respect.
- 1.2 treat council employees, employees and representatives of partner organisations and those volunteering for the council with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the council, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Code of Conduct and council employees, where concerns should be raised in line with council's Member/officer protocol.

2. Bullying, harassment and discrimination

As a councillor you should:

2.1 not bully any person.

2.2 not harass any person.

2.3 promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor you should:

3.1 not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Council.

Officers work for the Council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor you should:

4.1 not disclose information:

- a. given to you in confidence by anyone
- b. acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. you have received 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 legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 - 1. reasonable and in the public interest; and
 - 2. made in good faith and in compliance with the reasonable requirements of the council; and
 - 3. I have consulted the Monitoring Officer prior to its release.

4.2 not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor you should

5.1 not bring your role or the council into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or the council and may lower the public's confidence in your or the council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the council into disrepute.

You are able to hold the council and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor you should:

- 6.1 not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.

Your position as a member of the council provides you with certain opportunities, responsibilities, and privileges and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of council resources and facilities

As a councillor you should:

- 7.1 not misuse council resources.
- 7.2 when using the resources of the Council or authorising their use by others:
- a. act in accordance with the Council's requirements; and
 - b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the council or of the office to which you have been elected or appointed.

You may be provided with resources and facilities by the council to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of council buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the council's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor you should:

- 8.1 undertake Code of Conduct training provided by the Council.
- 8.2 cooperate with any Code of Conduct investigation and/or determination.
- 8.3 not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 comply with any sanction imposed on you following a finding that you have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the council or its governance. If you do not understand or are concerned about the council's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the council

9. Interests

As a councillor you should:

9.1 register and disclose your interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, council employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer.

10. Gifts and hospitality

As a councillor you should:

- 10.1 not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.
- 10.2 register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 10.3 register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

In order to protect your position and the reputation of the council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

- your own financial interest or well-being;
- a financial interest or well-being of a relative or close associate; or
- a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the test set out in paragraph 9 should be applied.

9. Where a matter **affects** the financial interest or well-being:

- to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	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 to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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 made between the Council and (a) the councillor; or (b) the spouse or civil partner of the councillor; or
Land and Property	Any beneficial interest in land which is within the area of the council (c) the person with whom the councillor is living as if they were spouses/civil partners; or (d) a firm in which any of the parties in (a-c) is a partner, or (e) an incorporated body in which over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners a right to occupy or receive income. (i) under which goods or services are to be provided or works are to be executed; and (ii) which has not been fully discharged.

Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge) -</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that</p> <ul style="list-style-type: none"> (i) the councillor; or (ii) the spouse or civil partner of the councillor; or (iii) the person with whom the councillor is living as if they were spouses or civil partners is a partner of, a director* of, or has a beneficial interest in, the securities* in
Securities	<p>Any beneficial interest in securities* of a body where -</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <ul style="list-style-type: none"> 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; <ul style="list-style-type: none"> (a) the councillor; or (b) the spouse or civil partner of the councillor; or (c) the person with whom the councillor is living as if they were spouses or civil partners <p>has a beneficial interest which exceeds one hundredth of the total issued share capital of that class.</p>

* 'director' includes a member of the committee of management of an industrial and provident society.

* '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.

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) 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

LGA Guidance for the Code

[Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

CONSULTATION RESPONSES

Draft code of conduct version	Summary of consultation responses
June 2020	<ul style="list-style-type: none"> • The code contains a number of typographical errors • There is confusion about when the code is intended to apply • There is a conflict between breaches of certain types of conduct which could attract no sanction and breaches of obligations which could attract a range of sanctions • There need to be greater sanctions for breaches of the code to make it meaningful • It is good that the draft code contains sanctions • The bullying and harassment provisions should make clear that they apply to everyone and not just those with protected characteristics • An obligation should be included so that councillors do not compromise their own impartiality • There are concerns about the requirements regarding acceptance of gifts and hospitality • There should be an absolute prohibition on members accepting any gifts or hospitality • Examples of the type of conduct which could bring the Council into disrepute should be included • There should be an obligation on each member to cooperate with any investigation into a breach of the code. • A criminal breach of the code which is also a breach of the obligations under the code should also enable to Council to impose sanctions • An obligation should be included which requires the protection of whistleblowers • Reference to the standard of proof to be applied to any breach should be included • A time limit should be applied to the requirement to disclose information • There is no need for an obligation requiring disclosure of certain interests as it is a criminal offence not to declare an interest • The table setting out interests needs to be clearer • The definition of sensitive interests should be more widely defined • A provision should be included that the code is not intended to interfere with the normal rights of free speech or seek to fetter civilised and informed debate • The definition of integrity in the code should be amended
January 2021	<ul style="list-style-type: none"> • This version of the code is better than the first version

	<ul style="list-style-type: none"> • The draft code contains a number of typographical errors • Unpaid directorships should be included in the Disclosable Pecuniary Interests in Table 1 • Examples should be included in the section on Bullying Harassment and Discrimination • The Council should include a public interest test against which allegations are filtered • The lack of sanctions for any breach of the code is a problem • Best practice recommends seeking the views of the public community organisations and neighbouring authorities when reviewing codes • There is no reason why the Council should adopt this version of the code
September 2021	<ul style="list-style-type: none"> • The draft contains formatting and typographical errors • There are issues with the provisions relating to confidentiality • The guidance should be significantly shortened • The code and the guidance do not contain anything about sanctions nor any procedure for determining whether a breach has occurred • An amended public interest test could be adapted by the Council and included in the code