



City of Westminster Standards Committee

Date:	24th April 2012
Classification:	General Release
Title:	Localism Act 2011: Implementation of the Standards Arrangements Follow-up Report
Report of:	Head of Legal and Democratic Services
Wards Involved:	All
Policy Context:	High Ethical Standards
Financial Summary:	There are no financial implications arising
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1. Executive Summary

- 1.1 At its last meeting on 12th March 2012 the Committee considered a report which presented the latest information relating to the standards aspects of the Localism Act which received Royal Assent on 15 November 2011 and detailed the changes to the City Council's Constitution, Code of Governance and standards arrangements which will be required to meet the standards provisions of the Act which were expected to take effect on 1st July 2012.
- 1.2 It is now understood that, as indicated by Department for Communities and Local Government (DCLG), it is possible that the existing statutory Code may continue to have effect post 1st July under transitional provisions. Confirmation on this issue is awaited.
- 1.3 The Committee provided its preliminary views on the key issues relating to the Council's standards arrangements, as provided for by the Act, to allow Officers to move forward with a set of proposals for further consideration. These proposals are detailed below in the main body of the report. The Committee is requested to review these proposals and provide their views, to be recommended to the General Purposes Urgency Sub-Committee for consideration prior to the final recommendations to the Council at its meeting on 16th May.

- 1.4 In respect of the new Members Code of Conduct the Committee was advised that a model code was due to be circulated by the Local Government Association (LGA) for consideration by authorities. This is attached as **Appendix 1**. The DCLG has also just released an “illustrative text” (i.e model Code) and this is attached as **Appendix 2**.

2. Recommendations

- (1) That the Committee determine its views on a new Code of Conduct, as outlined in Section 3 of this report; and that these views be recommended to the General Purposes Committee;
- (2) That the Committee note the arrangements for Member training in respect of any new Code of Conduct recommended, as outlined in Section 4 of this report;
- (3) That the Committee determine its views on those matters which it thinks should, in addition to the Prejudicial Interests, be disclosed in the Register of Members’ Interests as a matter of local choice; and that these views be recommended to the General Purposes Committee as part of the Members’ Code of Conduct;
- (4) That the Committee approve the process for dealing with allegations of breach of the Members Code of Conduct, as detailed in Section 7 of this report;
- (5) That the Committee determine its views in respect of whether the Council should have a separate Standards Committee, as set out in Section 8 of this report, and that this view be recommended to the General Purposes Committee; or alternatively the functions to be undertaken by a Sub-Committee of the Audit & Performance Committee.
- (6) That the Committee note the new Standards Committee draft terms of reference attached as Appendix 5; and that this be recommended to the General Purposes Committee for recommendation to annual Council on 16th May 2012; and
- (7) That the arrangements set out in this report be fully reviewed after 6 - 9 months of operation.

3. New Code of Conduct

- 3.1 Section 27 of the Act provides the Council with an opportunity to change any aspects of its existing code it wishes or start from scratch entirely and create its own code. At the last meeting the Committee’s views were sought on whether, subject to certain requirements detailed in the Act, the Council should:

- (a) Revise its existing Code of Conduct; or

(b) Adopt a Code of Conduct to replace its existing Code – specifically the model Code produced by the (LGA); or the Code recently released by the DCLG.

- 3.2 Generally, the Committee felt that the current Code had worked well. It noted that the LGA were likely to circulate a draft Code for consideration and that it would be reported to the Standards Committee at this special meeting. Two Codes have now been issued, by the LGA and the DCLG, and these are attached as **Appendix 1 and 2**, respectively, for Members' consideration. The Committee is asked to review the Codes and offer its views in respect of whether either model should be adopted by the City Council in place of its existing Code.
- 3.3 Both model Codes are fairly skeletal in nature compared to the existing Code. Accordingly Officers have attached the existing Code (**Appendix 3**) to give the Committee the opportunity to consider if any elements should be added to new Code proposed below.
- 3.4 Officers are suggesting that, subject to some additions, the Code provided by LGA is more suitable. These additions are shown in italics below and bold in **Appendix 1** and relate to:

- (i) **Prejudicial Interests:** The addition suggested is to ensure that Members are clear about the Council's requirements in respect of prejudicial interests. The suggested addition to the Code is as follows:

“Members and Co-opted Members who have prejudicial interests, as defined by statutory Regulation are required, if it relates to a matter being considered at a Council, Committee or Sub-Committee, to declare the interest (whether or not it has been registered) and to withdraw from the meeting (including the room) and take no part in any associated vote. Members are also advised that this should apply in the case of prejudicial interests to any Party Group meeting or meeting with Officers.

Details of prejudicial interests will be recorded in the minutes of the relevant meeting and the Register of Interest of the Member or Co-opted Member”.

- (ii) **Register of Interests:** The draft LGA Code includes no requirement to include matters in the Register of Members' Interests. Given that there is a requirement in the Localism Act for the Monitoring Officer to establish and maintain a Register of Members' Interests (see Section 5 below) it follows that a requirement to maintain and include certain information is included in the Code. Accordingly the following addition to the Code is suggested:

“Members and Co-opted Members are required by virtue of their membership of the City Council, or in the case of Co-opted Members, Committee or Sub-Committee of the City Council, within 28 days to notify the Monitoring Officer, or his/her representative, of those matters to be included in the Register of Members' Interests, in accordance with the requirements of the City Council”.

4. Code of Conduct Training

- 4.1 The introduction of any new Code of Conduct will require a degree of Member and Co-opted Member training. It was therefore agreed at the last meeting that, should the Committee recommend the adoption of a new Code of Conduct, 3 or 4 training sessions will be held by the Head of Legal and Democratic Services in July/August lasting about 1½ hours. Subject to the Committee's views in respect of the issues outlined in section 3 above, these sessions will be arranged in due course, in consultation with the Chief Whips and details reported to the Standards Committee at its next meeting in June.

5. Register of Interests

- 5.1 The Localism Act includes a requirement for the Monitoring Officer to establish and maintain a Register of Members' and Co-opted Members' Interests and to make the register available for inspection and to publish it on the authority's website. There is a requirement to include Pecuniary Interests in the register, as defined by the Secretary of State by Regulation. Such Disclosable Pecuniary Interests are also required to be disclosed if they relate to a spouse or civil partner with whom the Member lives. These Regulations are still awaited.
- 5.2 The Committee are referred to **Appendix 3** which sets out those matters which a Member or Co-opted Member should currently disclose in the Register. The Committee's views are sought on those matters which it thinks should, in addition to the Pecuniary Interests, if any, be included as a matter of local choice.
- 5.3 The Committee may consider that that the current level of disclosure has worked well and has not been seen as overly intrusive. Accordingly it is suggested that the existing requirements, set out in Appendix 3, be maintained. However, the level at which the requirement to record gifts and hospitality is triggered could be reviewed and increased from the current threshold of £25 and over, to £50 and over. This may be considered to be a more suitable threshold.
- 5.4 Under the 2011 Act, Disclosable Pecuniary Interests are required to be disclosed at a meeting, if the Member has not already registered the interest, and the Member is prohibited from participating in discussion or voting on any matter relating to his or her interest. If the interest is not already registered, it must be within 28 days. The Member is prohibited from participating in discussion or voting on any matter subject to any dispensation (see paragraph 5.5 below). The Act does not require an interest which has been registered to be disclosed. Section 31 (10) of the Localism Act also allows the authority, by way of Standing Orders, to determine whether the Member must also leave the room during a debate and vote. At the last meeting the Committee's views were sought on this point and it was determined that a Member disclosing a pecuniary interest should be required to leave the room and not vote on the matter in question. A new Standing Order to this effect will be referred to the

General Purposes Committee for recommendation to the Council. It is also recommended that the Code should require the disclosure of pecuniary interests even if they have been registered.

- 5.5 The Committee's views were also sought on what should be included in any dispensations protocol, in light of the provisions in the Act. It was noted that the Committee had agreed a dispensations protocol on the subject of Majority Party membership in March 2011, as a result of which a special dispensation is no longer necessary providing the Members in question can make the required declaration. The Committee considered that this arrangement had worked effectively to date and that the existing arrangements for dispensations were satisfactory.
- 5.6 A process for dealing with applications for dispensations from the Code of Conduct, in light of the provisions in the Act and Regulations issued, will be drafted and submitted to the Standards Committee for consideration at its next meeting in June.
- 5.7 Members are advised that the Council must, under the new arrangements, publish the Register of Interests on the website. Whilst it currently does so, this now becomes a requirement.

6. Appointment of Independent Person(s)

- 6.1 At the last meeting the Committee were informed that the Localism Act prohibits any person who within the last five years has been a Member, Co-opted Member or Officer of the City Council, from being appointed as the independent person who has the statutory role of giving views on any complaint about the conduct of a Member of the authority. This bar therefore rules out any existing members of the Council's current Standards Committee from appointment as the independent person and a new independent person (or persons) would need to be appointed.
- 6.2 Members' views were sought on whether one independent person would be sufficient to fulfil the duties required of a simplified allegations process and it was suggested that at least two and possibly three independent persons should be appointed.
- 6.3 The Committee did not consider it necessary to extend Tri-borough working to 'Member conduct' arrangements and, accordingly, Officers have instigated the recruitment process for an independent person of the City Council. The applicants who are considered to be potentially suitable candidates for the position will be interviewed on 10th May 2012. The Committee's views in respect of appointing more than one independent person will be taken into consideration and the exact number of appointments will be decided once the interviews have taken place, and the suitability of the candidates has been determined. The appointment of the successful applicant(s) will then be recommended to the Council at the Annual Council meeting on 16th May 2012.

7. Arrangements for Dealing with Allegations of Breach

- 7.1 At the last meeting the Committee were informed that the Localism Act had abolished both Standards for England and the prescribed process for dealing with complaints about Members. The Act has abolished the requirement for English authorities to have a Standards Committee, but each authority must adopt their own 'arrangements' to deal with misconduct complaints. Officers had regard to the views previously expressed by Members that the process of investigating complaints was bureaucratic and too lengthy. As such, Officers drafted a simplified process which reduced the length of time taken and number of meetings necessary in order to consider such complaints, for the Committee's consideration.
- 7.2 The Committee supported the simplified process outlined in the report but recommended that an appeal process be included. Officers have therefore redrafted the simplified process with an additional 'appeal stage'. The Committee is requested to recommend the following process for dealing with allegations of breach of the Members Code of Conduct to the Council:

Stage 1

Upon receipt of a complaint that a Member of the City Council has breached the Members Code of Conduct, the Monitoring Officer will consult with the independent person as to whether the complaint merits further investigation. The Monitoring Officer (under delegated power) will respond to the complainant advising that the matter will / will not be investigated further. The complainant will be advised that if they are unhappy with this response then they will be able to "appeal" this decision to the Chief Executive who will then consider the "appeal" in consultation with an independent person.

Stage 2

If it is decided that the matter requires further investigation the Monitoring Officer will conduct an investigation as he/she sees fit. Prior to concluding the investigation the Monitoring Officer will discuss the matter with the independent person.

Stage 3

Once the investigation is concluded the Monitoring Officer will forward a report detailing the allegations, the views of the independent person and the findings of the investigation to the Standards Committee. The Member in question will be invited to the Committee meeting and given an opportunity to respond to the report. The Standards Committee will have regard to the Monitoring Officer's report and the Member's representations and determine whether the Member has breached the Code. If it is decided that the Code has been breached, the Committee will also decide whether a sanction is necessary. The Monitoring Officer will advise the complainant of the Standards Committee's decision

Stage 4

If it is resolved that the Member has breached the Code, the Member will have an opportunity to appeal against the decision by advising the Monitoring

Officer in writing within 14 days of the Committee meeting. The Member will be required to detail the grounds upon which an appeal is sought.

Stage 5

Upon receipt of notification of appeal the Monitoring Officer will consult an independent person for their views. The Monitoring Officer will forward a report detailing the allegations, views of the independent person and the findings of the investigation to a second Standards Committee who will determine the appeal case. This Committee will comprise of different membership to that of the first Committee.

Stage 6

The Monitoring Officer will advise the Member of the Standards Committee's final decision.

8. Committee Structure

- 8.1 As mentioned above, the Act has abolished the requirement for English authorities to have a separate Standards Committee, but authorities must adopt their own 'arrangements' to deal with misconduct complaints and this will require a Committee or Sub-Committee of some kind. As such, the Committee is requested to recommend one of the following two options:
- (a) A full and separate Standards Committee as is operated under current arrangements; or
 - (b) A Sub-Committee of, for example, the Audit & Performance Committee to deal with misconduct complaints.
- 8.2 The Committee's views were sought on the membership of any Standards Committee and the Committee noted that a Standards Committee should have sufficient Members to allow for an appeal case to be heard by a completely new set of Members (as outlined in the process detailed in Section 7 above).
- 8.3 The Committee's views were also sought on the most suitable location for the functions contained within a Standards Committee's current terms of reference. The locations specified in the report presented to the Committee at the last meeting were endorsed – recommending that the Standards Committee's terms of reference remain largely the same, transferring the following function to the Audit & Performance Committee:
- (i) To maintain an overview of the arrangements in place for maintaining High Ethical Standards throughout the Authority and in this context to receive a report annually from the Head of Legal and Democratic Services and the Chief Operating Officer.

Schedule 4 of the Localism Act 2011 has amended section 3A of the Local Government and Housing Act 1989 so that the Head of Paid Service is now responsible for the "granting and supervision of exemptions of posts from the

political restrictions". This function of the Standards Committee is therefore reallocated to the Chief Executive.

- 8.4 The proposed new Standards Committee draft terms of reference is attached as **Appendix 5** and the Committee is asked to recommend this to the General Purposes Committee for recommendation to annual Council on 16th May 2012.

9. Conclusion and Next Steps

- 9.1 The Council has a duty to maintain and promote good governance. To this end the Committee was requested at its last meeting to review the necessary changes to the standards aspects of the Council's operation and feedback to Officers so that firm proposals could be reported back to this special meeting. These proposals are detailed above for the Committee's consideration and Members are requested to review the content of this report and, specifically, those proposals which are detailed for recommendation to the General Purposes Committee.
- 9.2 A further report covering any outstanding issues, such as a process for dealing with applications for dispensations from the Code of Conduct, in light of the provisions in the Act and Regulations issued; and details relating to Member training will be submitted to the Committee at its next meeting in June.
- 9.3 Members will be aware that the introduction of the arrangements set out in this report have been quicker than Officers would have ideally liked. For example, the LGA and DCLG Codes have only been received following the Easter holiday and the Regulations relating to pecuniary interests are still awaited. Accordingly it is recommended that the arrangements arising from this report be fully reviewed after 6 – 9 months of operation. This will allow lessons learnt and best practice from other authorities to be assessed and incorporated where appropriate.

**If you have any queries about this report
or wish to inspect any of the Background Papers please contact:
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Background Papers:

- Localism Act 2011
- Standards Committee Report - Localism Act 2011: Implementation of the Standards Arrangements, 12th March 2012
- Minutes of the Standards Committee, 12th March 2012

Appendices:

Appendix 1 - LGA Template Code of Conduct

Appendix 2 – DCLG “Illustrative text”

Appendix 3 - Existing Members’ Code of Conduct

Appendix 4 - Matters which a Member or Co-opted Member should currently disclose in the Register of Members’ Interests

Appendix 5 – Draft Standards Committee Terms of Reference

LGA Template Code of Conduct

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

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

SELFLESSNESS: 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.

The Act further provides for registration and disclosure of interests and in Westminster City Council this will be done as follows:

Members and Co-opted Members who have prejudicial interests, as defined by statutory Regulation are required, if it relates to a matter being considered at a Council, Committee or Sub-Committee, to declare the interest (whether or not it has been registered) and to withdraw from the meeting (including the room) and take no part in any associated vote. Members are also advised that this should apply in the case of prejudicial interests to any Party Group meeting or meeting with Officers.

Details of prejudicial interests will be recorded in the minutes of the relevant meeting and the Register of Interest of the Member or Co-opted Member.

Members and Co-opted Members are required by virtue of their membership of the City Council, or in the case of Co-opted Members Committee or Sub-Committee of the City Council, within 28 days to notify the Monitoring Officer, or his/her representative, of those matters to be included in the Register of Members Interests, in accordance with the requirements of the City Council.

As a Member of Westminster City Council my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the City Council or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

Illustrative text for code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity

You are a member or co-opted member of the [name] council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

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

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.

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.

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.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, 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.

You must, when using or authorising the use by others of the resources of your authority, 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.

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 example.

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, 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 member or co-opted member, notify your authority'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 authority's register, then the member must disclose the interest to any meeting of the authority 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'.¹

Following any disclosure of an interest not on the authority'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 your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

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

Members' Code of Conduct

Standards of Conduct for Members

The General Principles

Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership – Members should promote and support those principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

THE CITY COUNCIL CODE OF CONDUCT FOR MEMBERS

PART 1

General Provisions

Introduction and Interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles described by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code:

“meeting” means any meeting of:

- (a) the authority.
- (b) the executive of the authority;

any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” includes a co-opted member and an appointed member.

- (5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the Standards Committee of the District Council or Unitary County Council which has functions in relation to the parish council for which it is responsible under Section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you:
 - (a) conduct the business of your authority (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 your authority;

and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3 (2) (c), 5 and 6 (a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority.
 - (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 your authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

- 3. (1) You must treat others with respect.
- (2) You must not:
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant;
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,
 in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's 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, your authority.

- (3) In relation to Police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2) (d) those who work for, or on behalf of, an authority are deemed to include a Police Officer.
4. 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 authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You:
 - (a) must 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; and
 - (b) must, when using or authorising the use by others of the resources of your authority:
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

(a) your authority's Chief Finance Officer; or

(b) your authority's Monitoring Officer;

where that officer is acting pursuant to his or her statutory duties.

- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2

Interests

Personal Interests

8. (1) You have a personal interest in any business of your authority 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 your authority;
 - (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 or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the

nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated Director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated Director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; 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 a relevant person to a greater extent than the majority of:
- (i) (in the case of authorities with electoral divisions or wards) other council taxpayers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council taxpayers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council taxpayers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1) (b), a relevant person is:
- (a) a member of your family or any person with whom you have a close association; or
 - (b) 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;
 - (c) 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

- (d) any body of a type described in sub-paragraph (1) (a) (i) or (ii).

Disclosure of Personal Interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority 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 personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8 (1)(a)(i) or 8(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) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority 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.
- (7) 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.

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the 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.
- (2) You do not have a prejudicial interest in any business of the authority where that business:

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority 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) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) 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;
 - (iv) an allowance, payment or indemnity given to Members;
 - (v) any ceremonial honour given to Members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to Policy and Scrutiny Committees

11. You also have a prejudicial interest in any business before a Policy and Scrutiny committee of your authority (or of a sub-committee of such a committee) where:
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority:
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held:

- (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from your authority's Standards committee;
- (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the Policy and Scrutiny committee of your authority 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.

PART 3

Registration of Members' Interests

Registration of Members' Interests

13. (1) Subject to paragraph 14, you must, within 28 days of:
- (a) this Code, being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),
- register in your authority's Register of Members' Interests (maintained under Section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive Information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's Register of Members' Interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Matters which a Member or Co-opted Member should currently disclose in the Register of Members' Interests

1. 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 your authority.
2. Any body:
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes, or
 - (c) 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.
3. Any employment or business carried on by you.
4. Any person or body who employs or has appointed you.
5. Any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties.
6. Any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower).
7. Any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated Director, or a person or body of the description specified in paragraph 6.
8. The name of any person or body from whom you have received a gift or hospitality with an estimated value of £25 (or £50) or over, including the nature of the gift or hospitality.
9. Any land in your authority's area in which you have a beneficial interest.
10. Any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated Director, or a person or body of the description specified in paragraph 6, is the tenant.
11. Any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer.
12. Details of prejudicial interests disclosed at meetings

(Draft) Standards Committee Terms of Reference

- (1) To promote and maintain high standards of conduct by the Members and Co-opted Members of the City Council.
- (2) To advise the City Council on the adoption or revision of a Code of Conduct for Members.
- (3) Advising, training or arranging to train Members and Co-opted Members on matters relating to the City Council's Code of Conduct for Members.
- (4) To assist Members and Co-opted Members observe the City Council's Code of Conduct for Members.
- (5) To monitor the operation of Code of Conduct for Members.
- (6) Consider reports referred to the Committee by ethical standards officers or the Monitoring Officer of investigations into alleged breaches of the City Council's Code of Conduct for Members.
- (7) Where necessary, to conduct hearings into allegations of breaches of the said code, and interview officers, Members and others as required.
- (8) Determining whether allegations of breaches of the said code are made out and determining what action, if any, to take in relation hereto including, where it is determined that a breach has occurred, deciding what sanctions, if any, should be applied in relation to the Member or Member concerned (and for the avoidance of doubt, the Committee shall only have power to impose any sanction authorised by law).
- (9) Consider any complaints in respect of Members referred to the Committee under the City Council's "Whistleblowing" procedure and determining the action to be taken, if any.
- (10) To the extent allowed by the Law, granting dispensations in relation to Member and co-opted Member interests as referred to in the Members Code of Conduct.
- (11) To consider, advise and, if appropriate, take action upon other Member conduct issues not otherwise dealt with under these terms of reference.