

A meeting of the **STANDARDS COMMITTEE** will be held in **ROOM CVSO1A, CIVIC SUITE, PATHFINDER HOUSE, ST. MARY'S STREET, HUNTINGDON, CAMBS, PE29 3TN** on **THURSDAY, 6 SEPTEMBER 2012** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

1. ELECTION OF CHAIRMAN

To elect a Chairman of the Committee for the ensuing Municipal Year.

2. MINUTES (Pages 1 - 6)

To approve as a correct record the Minutes of the meeting held on 21st June 2012.

3. MEMBERS' INTERESTS

To receive from Members, declarations as to disclosable pecuniary, non-disclosable pecuniary or non-pecuniary interests in relation to any Agenda Item – See Notes below.

4. APPOINTMENT OF VICE-CHAIRMAN

To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year.

5. APPOINTMENT OF LEAD AND DEPUTY INDEPENDENT PERSONS (Pages 7 - 20)

To consider a report by the Head of Legal & Democratic Services and Monitoring Officer regarding the process for the appointment of Lead and Deputy Independent Persons.

6. APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES (Pages 21 - 22)

To consider a report by the Head of Legal & Democratic Services and Monitoring Officer regarding the inclusion of Parish Council representation on the new Committee.

7. PROPOSED TERMS OF REFERENCE - STANDARDS COMMITTEE (Pages 23 - 26)

To consider a report by the Head of Legal & Democratic Services and Monitoring Officer on potential terms of reference for the new Committee.

8. NEW STANDARDS REGIME - PROGRESS (Pages 27 - 68)

To consider a report by the Head of Legal & Democratic Services and Monitoring Officer on the progress achieved thus far in implementing the new Standards regime.

9. MONITORING OFFICER PROTOCOL AND FLOWCHART

To confirm the final version of the Monitoring Officer Protocol and flow chart as the process for consideration of complaints that a Member has failed to comply with their Council's adopted Code of Conduct – **To Follow**

10. PROPOSED TRAINING PROGRAMME (Pages 69 - 70)

To consider an approach to training for District and Parish Councils on the newly adopted Code of Conduct. Report by the Head of Legal & Democratic Services and Monitoring Officer enclosed.

NB: A briefing on the Code of Conduct for Committee Members will follow the meeting.

11. DATE OF NEXT MEETING

Thursday 6th December 2012 at 4pm.

Dated this 29 day of August 2012



Head of Paid Service

Notes

A. Disclosable Pecuniary Interests

(1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*

(2) *A Member has a disclosable pecuniary interest if it*

(a) relates to you, or

(b) is an interest of -

(i) your spouse or civil partner; or

(ii) a person with whom you are living as husband and wife; or

(iii) a person with whom you are living as if you were civil partners

and you are aware that the other person has the interest.

(3) *Disclosable pecuniary interests includes -*

- (a) any employment or profession carried out for profit or gain;
- (b) any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);
- (c) any current contracts with the Council;
- (d) any beneficial interest in land/property within the Council's area;
- (e) any licence for a month or longer to occupy land in the Council's area;
- (f) any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or
- (g) a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.

B. Other Interests

(4) If a Member has a non-disclosable pecuniary interest or a non-pecuniary interest then you are required to declare that interest, but may remain to discuss and vote.

(5) A Member has a non-disclosable pecuniary interest or a non-pecuniary interest where -

- (a) a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
- (b) it relates to or is likely to affect any of the descriptions referred to above, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

Please contact Ms C Deller, Democratic Services Manager, Tel No 01480 388007/e-mail: Christine.Deller@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

Agenda Item 2

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in Room CVSO1A, Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 21 June 2012.

PRESENT: Mr D L Hall - Chairman
Councillors P J Downes, Ms L Duffy, R S Farrer, G J Harlock and A Hansard.

Messrs J Alexander, P Boothman, and G Watkins and Mrs S Stafford.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillor Mrs B E Boddington and Mr M Lynch.

27. ELECTION OF CHAIRMAN

RESOLVED

that Mr D L Hall be elected Chairman of the Committee for the period ending 30th June 2012.

28. MINUTES

The Minutes of the meeting of the Committee held on 1st December 2011 were approved as a correct record and signed by the Chairman.

The Chairman welcomed new Councillor Ms L Duffy to her first meeting of the Committee.

29. MEMBERS' INTERESTS

No interests were declared by the Members present.

30. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

that Mr P Boothman be appointed Vice-Chairman of the Committee and Chairman of the Referrals (Assessment) Sub Committee for the period ending 30th June 2012.

31. REPORTS OF THE SUB-COMMITTEES

Reports on the activities of the Referrals (Assessment), Review and Consideration & Hearing Sub Committees were presented to the Committee by the Chairmen present. In total, seven meetings of the Sub Committees had taken place since the last meeting and these had involved the consideration of allegations relating to Members of the District and St Neots Town, Upwood & The Raveleys and Yaxley Parish Councils

32. NEW STANDARDS REGIME

The Committee considered a report by the Head of Legal & Democratic Services and Monitoring Officer (a copy of which is appended in the Minute Book) on the issues that required to be considered to ensure that the District Council was ready to comply with the requirements of Chapter 7 of the Localism Act 2011 and recently published Regulations in respect of new 'standards' and code of conduct arrangements. A further example of a potential Code of Conduct that might be adopted by the Council was tabled and a copy of this document also is appended in the Minute Book.

Members understood that the Council still was required to

- to promote and maintain high standards of conduct by elected Members and co opted Members of the Authority;
- adopt a Code dealing with the conduct that is expected of Members and co opted Members of the Authority when they are acting in that capacity; and
- have in place arrangements under which complaints can be investigated and under which allegations of misconduct can be made.

It was also noted that the Monitoring Officer was required to establish and maintain a Register of Interests of Members and co opted Members and provide a means for disclosure of pecuniary and other interests. Whilst there was no continuing requirement for a Member to keep their declaration up to date except on re-election/re-appointment, the Committee considered that it would be good practice for Members to review their registered interests regularly and update their declaration as necessary.

The Committee was further advised that the District Council and all Parish Councils within Huntingdonshire were required to adopt a new Code setting out the conduct expected of their Councillors when acting in their capacity as an elected Member. Having reviewed the merits of draft Codes compiled by the Cambridgeshire District and County Councils, the Department for Communities and Local Government, the National Association of Local Councils and the Local Government Association, the Committee indicated a preference for the option which had been tabled which was based on a draft produced by a well regarded legal expert on ethical standards matters.

Having discussed these and other matters consequent upon the adoption of a new Code and the publication of new Regulations, the Committee

RESOLVED

- (a) that the Council be recommended to adopt the Code of Conduct appended hereto as the basis for the new Code of Conduct for Huntingdonshire and the Head of Legal & Democratic Services and Monitoring Officer authorised to finalise the preferred option after consultation with the Chairman of the Standards Committee;

- (b) that the Head of Legal & Democratic Services and Monitoring Officer be authorised to establish and maintain a new register of Members' Interests in compliance with the requirements of the Localism Act 2011 and the Council's Code of Conduct and ensure it is available for public inspection in accordance with the Act;
- (c) that the Head of Legal & Democratic Services and Monitoring Officer be authorised to establish and maintain new registers of interest for each Parish Council in Huntingdonshire in compliance with the Localism Act 2011 and the Code of Conduct adopted by the respective Parish Council and ensure that they are available for public inspection in accordance with the Act;
- (d) that, after consultation with the Chairman of the Committee, the Head of Legal & Democratic Services and Monitoring Officer be requested to arrange sessions to train District, Town and Parish Councillors on the new registration and disclosure requirements;
- (e) that the Council be recommended to appoint a Standards Committee comprising seven elected Members of the District Council based on appropriate political proportionality and to include one Member who is a Member of the Executive (as currently constituted);
- (f) that the Council be recommended to invite Parish Councils to nominate two parish councillors to be co opted as non voting Members of the new Committee;
- (g) that the Head of Legal & Democratic Services and Monitoring Officer be authorised to commence the process for the appointment of at least 2 independent person(s) (one permanent and one able to act in reserve) and to undertake a review of the role and remuneration of the position;
- (h) that a Selection Panel comprising three Members of the Committee be established to short list and interview candidates for the position of independent persons and to recommend an appointment to Council;
- (i) that the Head of Legal & Democratic Services and Monitoring Officer be authorised to pursue, if appropriate, the possibility of a joint recruitment exercise with Cambridgeshire Authorities to appoint independent persons.
- (j) that, the Head of Legal & Democratic Services and Monitoring Officer be authorised to finalise the protocol for the discharge of functions in relation to allegations that a Member of Huntingdonshire District Council or Parish Council in the District failed to comply with the

adopted Code of Conduct;

- (k) that the Head of Legal & Democratic Services and Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct and authorised to determine allegations in accordance with the agreed protocol;
- (l) that the Head of Legal & Democratic Services and Monitoring Officer be authorised, after consultation with the Chairmen of the Standards Committee and Corporate Governance Panel to make any appropriate variations to the Constitution consequent upon the changes to the District Council's standards arrangements;
- (m) that the Corporate Governance Panel be requested to consider amending the Council's Procedure Rules (Standing Orders) to require that a Member must withdraw from a meeting room during the consideration of any item of business in which he/she has a disclosable pecuniary interest; and
- (n) that the arrangements for granting dispensations requested by District Councillors as described in paragraph 7.6 of the report now submitted be endorsed.

33. APPLICATIONS FOR DISPENSATION

A report by the Head of Legal & Democratic Services and Monitoring Officer was submitted (a copy of which is appended in the Minute Book) regarding two applications received for dispensation from St. Ives Town and Great & Little Gidding Parish Councils.

It was explained that following elections in both parishes, the Clerks to these authorities had written formally to request dispensations to allow business in relation to community facilities in both parishes to be conducted during the new terms of office of the Councils. Therefore, to prevent the transaction of town and parish council business from being impeded by virtue of the interests that would need to be declared by the Members of the two Councils in question, the Committee

RESOLVED

- (a) that dispensation be granted to enable the thirteen Councillors of St Ives Town Council, who act as Board Members to a Community Interest Community set up to manage the Corn Exchange, St Ives, to speak and vote on matters likely to affect the company at Council or Committee meetings for the period ending 30th April 2016; and
- (b) that dispensation be granted to enable the seven Members of Great & Little Gidding Parish Council to speak and vote on business arising at Council

meetings concerning the Village Hall and Recreation Ground and the Great Gidding Charity for the period ending 30th April 2016.

34. LOG OF CODE OF CONDUCT ENQUIRIES

The Committee received and noted the Code of Conduct enquiries which had been recorded by the Head of Legal & Democratic Services and the Monitoring Officer since the last meeting in December (an extract of the log is appended in the Minute Book).

35. TRAINING UPDATE

The Monitoring Officer reported that he had presented training on the new Code of Conduct to St Ives Town Council, to the Society of Local Council Clerks and to newly elected District Councillors as part of their 'new member induction'.

36. CASE DETAILS

For interest and training purposes, the Committee noted details of a case which had involved a Member seeking a judicial review of a decision taken by the Adjudication Panel for Wales in respect of an alleged breach of a local authority Code of Conduct. Given the strength of the doctrine of 'right to freedom of expression' and the fact that the majority of comments posted by a Councillor on his website were directed at other Councillors, it was held that the decision by the Adjudication Panel was a disproportionate interference with the Councillor's rights under the European Convention on Human Rights.

37. DATE OF NEXT MEETING

Having noted that there was now no requirement for the Committee to meet, as previously scheduled, on Thursday 5th July 2012, the Chairman, Mr Hall thanked Members for their support of him during his Chairmanship and for their forbearance and contributions during the detailed consideration of the new standards arrangements.

Chairman

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**APPOINTMENT OF INDEPENDENT PERSONS
(Report by the Head of Legal & Democratic Services
and Monitoring Officer)**

1. INTRODUCTION

- 1.1 Chapter 7 [Sections 28 (7) (8)] of the Localism Act 2011 established a new category of Independent Persons (IP) and required a “relevant Authority” including the District Council to provide for the appointment of at least one Independent Person.
- 1.2 At the Special Meeting of the Committee in June, the Head of Legal & Democratic Services and Monitoring Officer was authorised to commence the process for the appointment of at least two Independent Persons (one permanent Lead Member and one able to act in reserve).

2. ROLE OF INDEPENDENT PERSONS

- 2.1 The functions of the Independent Person are:-
- ◆ to be consulted by the Authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or in any finding of breach on any decision on action as a result of that finding);
 - ◆ to be consulted by the Authority in respect of a Standards complaint at any other stage;
 - ◆ to be consulted by a Member or Co-Opted Member of the District Council or of a Parish Council against whom the complaint has been made; and
 - ◆ potentially to be involved in the grant of dispensations.
- 2.2 A person cannot be appointed as an Independent Person if they are or were within a period of five years prior to their appointment:-
- ◆ a Member, Co-Opted Member or Officer of the Authority;
 - ◆ a Member, Co-Opted Member or Officer of a Parish Council in the District Council’s area;
 - ◆ or a relative or close friend of either of the above.

Under transitional arrangements, former Independent Members of the Standards Committee are eligible to apply for the role but their term of office can only last until 30th June 2013.

- 2.3 As the remuneration of the Independent Person would no longer fall under the Scheme of Members’ Allowances, the remuneration for the role can be determined without reference to an Independent

Remuneration Panel. Having been authorised to review the remuneration of the position and bearing in mind that the role of the appointee is likely to be less onerous, the Head of Legal & Democratic Services and Monitoring Officer has fixed the allowance at £1,000 for the Lead Independent Person and £500 for the Deputy and suggested that travel and subsistence expenses also should be payable. This scale of allowance is common to other District Councils in Cambridgeshire.

3. RECRUITMENT PROCESS

- 3.1 Independent Persons must be appointed through a process of public advertisement and application. A small article "Setting the Standards" was placed in an early August edition of the Hunts Post drawing attention to the vacancy and the availability of a recruitment pack on the Standards and Conduct Pages of the District Council's website. A copy of the pack is reproduced as an Appendix. The vacancy also featured on the Home Page of the website. Copies of the pack also were sent to former Independent Members given the expertise and skills they had gained during their service under the former regime.
- 3.2 The appointments will be required to be "approved by a majority of the Members of the Authority" and so it is envisaged that a Panel of the Committee, perhaps comprising three Members (including the Chairman and Vice-Chairman of the Committee) together with the Monitoring Officer should interview the applicants and then recommend to Council at the meeting to be held on 26th September 2012 candidates for appointment as Lead Independent Person and Deputy.
- 3.3 Appointment is likely to be for a three-year term, subject to annual ratification by the Council. The Independent Person may attend meetings of the Standards Committee but only as a non-voting co-optee.

4. RECOMMENDATION

- 4.1 The Committee is requested to appoint a Panel to interview and recommend to the Council on 26th September 2012 candidates for appointment to the positions of Lead and Deputy Independent Persons.

BACKGROUND PAPERS

Localism Act 2011

Contact Officers:

Colin Meadowcroft, Head of Legal & Democratic Services and Monitoring Officer/Christine Deller, Democratic Services Manager
Tel Nos: (01480) 388021/388007.



Recruitment Pack for appointment of Independent Person

Pathfinder House

St Mary's Street

Huntingdon

PE29 3TN

APPOINTMENT OF LEAD AND DEPUTY INDEPENDENT PERSON

Councillors' Code of Conduct and Complaints Process

Under the provisions of the Localism Act 2011, the Council is required to appoint an Independent Person to assist the Council in promoting and maintaining high standards of conduct amongst its elected members and town and parish councillors.

The Independent Person will be consulted before a decision is made on an investigated complaint and usually on receipt of the initial complaint. The Independent Person may also be consulted on other standards matters, including by a Councillor who is the subject of an allegation.

To cover cases where the Independent Person has a conflict of interest or is unavailable for any reason, the Council also propose to appoint a 'deputy' Independent Person.

A fixed allowance of £1,000 per annum is payable to the Independent Person and £500 for the reserve Independent Person, together with reimbursement of travel and subsistence expenses.

For further details, including an information pack and eligibility criteria, please visit the Council's website www.huntingdonshire.gov.uk or contact:

Colin Meadowcroft
Monitoring Officer
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon PE29 3TN

Tel No: 01480 388021

Email: colin.meadowcroft@huntingdonshire.gov.uk

The closing date for applications is 25 August 2012. Interviews will be held during the week commencing 3 September 2012. Any offer of appointment is subject to the approval of Full Council on 26 September 2012.

APPOINTMENT OF INDEPENDENT PERSON

Background Information

Under the provisions of the Localism Act 2011 (the “Act”) the way that Huntingdonshire District Council (the “District Council”) deals with conduct complaints about its elected members and town and parish councillors in its area changed with effect from 1 July 2012.

The previous national statutory framework has been abolished and the District Council is now responsible for deciding how to deal with standards issues at a local level, including adopting its own local code and determining what arrangements it will adopt to deal with complaints.

The Council adopted a new Code of Conduct at its meeting on 4 July 2012. Town and Parish Councils will also have to adopt a Code that will apply to its Councillors and this may or may not be the same District Council Code.

The Act provides that the Council must appoint an Independent Person to assist in discharging these responsibilities. The Independent person will be consulted before a decision is made on an investigation that has been carried out and may be consulted before a decision is taken as to whether to reject a complaint, or refer it for investigation or to seek some other resolution. Full details of the role and responsibilities of the Independent Person are included in this Recruitment Pack.

It is intended to appoint an Independent Person together with a “Deputy”, to act as Independent Person in the event that the person appointed is unable to act for any reason.

Appointment is likely to be for a three year, subject to annual ratification by the Council. Under the legislation, anyone appointed who was previously an Independent Member on the District Council’s Standards Committee, can only be appointed until 30 June 2013.

The exact detail of the complaints process is currently being finalised and when completed training shall be provided to the successful applicants.

SELECTION CRITERIA FOR INDEPENDENT PERSON

Skills and Competencies

The Independent Person will have:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- sound decision making skills.

The Independent Person will:

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviours.
- be a good communicator.

Desirable additional criteria are:

- working knowledge/experience of local government or other public service and/or of large complex organisations and awareness of and sensitivity to the political process.
- knowledge and understanding of judicial/quasi-judicial or complaints processes.

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process. Selection will be by application form and by interview.

NOTE: You will be required to be contactable at all times during normal working hours by telephone or by email and to be available to attend hearings which may be held in the day time and at relatively short notice.

Eligibility for Appointment

A person **cannot be appointed as an Independent Person** if they are or were within a period of 5 years prior to the appointment:

- a member, co-opted member or officer of the authority;
- A member, co-opted member or officer of a parish council in the District Council's area;
- or a relative or close friend of either of the above.

However, by virtue of transitional arrangements, **former independent members** of the Council's Standards Committee **are eligible** to apply for the role, but their term of appointment will only be to 30 June 2013.

You can check the lists of elected Councillors on the Council's website at:

<http://www.huntingdonshire.gov.uk/Councils%20and%20Democracy/Council/Councillors/Pages/default.aspx>

ROLE OF INDEPENDENT PERSON – HUNTINGDONSHIRE DISTRICT COUNCIL

Role Description

Responsible to: The Council

Liaison with: Monitoring Officer, Members of the Standards Committee, Officers and Members of the District Council and Town and Parish Councillors within the District and other Independent Persons.

1. To assist the Council in promoting high standards of conduct by elected and co-opted Members of Huntingdonshire District Council and Town and Parish Councillors within its area and in particular to uphold the Code of Conduct adopted by the Council and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be consulted before a decision is made on an investigation that has been carried out and to be available to attend meetings of the Hearing Panel of the Standards Committee for this purpose.
3. To be available as required for consultation by the Monitoring Officer and/or the Standards Committee before a decision is taken as to whether to reject a complaint, or refer it for investigation or to seek some other resolution.
4. To be available for consultation by any elected Member, including any Town and Parish Councillor, who is the subject of a standards complaint.
5. To develop a sound understanding of the ethical framework as it operates within Huntingdonshire District Council and its Town and Parish Councils.
6. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside the District Council's area.
7. To attend training events organised and promoted by the Council's Standards Committee.
8. To act as advocate and ambassador for the Council in promoting ethical behaviour.

APPLICATION FOR THE POSITION OF INDEPENDENT PERSON

Individuals who wish to be considered for appointment as Independent Person at Huntingdonshire District Council (the “District Council”) are requested to provide the following information to support their application. All information provided will be treated in the strictest confidence and will only be used for the purposes of selection. Please feel free to use a separate continuation page if you wish to expand upon your answer to any question outlined below.

1. PERSONAL DETAILS

Name:

Address:

.....

.....

Postcode

Contact Details

Daytime Tel No:

Daytime Fax No:

Email Address:

2. QUALIFICATIONS

(Please list in particular any qualifications which you think are relevant to the position of Independent Person)

3. SUMMARY OF EXPERIENCE

(Please give a brief account of your experience including career, public and voluntary work together with the nature of your current or most recent occupation)

4. RELEVANT EXPERTISE/SKILLS

(Please outline briefly any knowledge or expertise which you believe would be particularly relevant to your role as an Independent Person having regard to the selection criteria and role description)

5. Why do you wish to be considered for appointment as Independent Person and what particular attributes do you believe you would bring to the role?

6. Please provide any additional information you may wish to give in support of your application:

7. References will be taken up for all applicants who are invited for interview

1. Name:	2. Name:
Address:	Address:
.....
.....
Postcode	Postcode
Tel No:	Tel No:

8. Please indicate below for which role(s) you wish to be considered

- Lead Independent Person YES/NO*
- Deputy Independent Person YES/NO*

In submitting this application, I declare that:

- I am not currently and have not during the past five years been a Member or Officer of the District Council; and
- I am not currently and have not during the past five years been a Member or Officer of any Town or Parish council within the area of the District Council; and
- I am not related to, or a close friend of, any person who is currently a Member or Officer of the District Council or of any Town or Parish Council within the area of the District Council; and
- I am not actively engaged in local party political activity.*

OR

- I was an Independent Member of the District Council's Standards Committee.*

Signed:

Date:

Please return this application form by **25 August 2012** addressed to:

Colin Meadowcroft
Monitoring Officer
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon PE29 3TN

or **email** the completed form to colin.meadowcroft@huntingdonshire.gov.uk

*** Please delete as applicable**

**APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES
(Report by the Head of Legal & Democratic Services and
Monitoring Officer)**

1. INTRODUCTION

- 1.1 Members may recall that Regulations arising under the Local Government Act 2000 required the former Standards Committee to comprise at least two Members from Town or Parish Councils for which the Committee was responsible and for Parish representatives also to be present at meetings when matters relating to Town or Parish Councils were being considered.
- 1.2 Whilst the District Council will continue to have responsibility for dealing with standards complaints against Town or Parish Councillors, there is no longer a duty for Parish Council representatives to be appointed to the Committee and consequently the Parish Council representatives on the former Standards Committee have ceased to hold office.
- 1.3 However, the District Council can choose whether it wishes to continue to involve Town or Parish Council representatives in their new Standards Committee and if so, how many.

2. BACKGROUND

- 2.1 At the meeting in June, the Committee recommended that the Council should resolve 'to invite Parish Councils to nominate Parish Councillors to be co-opted as non-voting Members of the Committee'. This course of action was approved by the Council at its meeting held on 4th July, 2012.
- 2.2 As the Committee will still be involved in considering complaints in respect of Parish Councillors and in training Parish Councils on the Code of Conduct it is arguable that, having Parish representatives as co-opted non-voting Members on the Committee (or as part of case hearings) would ensure that the Committee retained an insight into local councils amongst its membership. Such representation also could continue to bring knowledge about local issues which has been helpful, in the past, when assessing Parish cases.
- 2.3 Due to a resignation the former Committee operated successfully for some time with only two rather than three Parish Council representatives in place. This gave the Committee the flexibility it required to undertake the initial assessment of Member complaints and to be able to progress any subsequent reviews or hearings.

3. APPOINTMENT PROCESS

- 3.1 The Council has always approached the Cambridgeshire and Peterborough Association of Local Councils (and its predecessor) for nominations to any vacancy which has arisen in Town and Parish Council representation. Whilst there is concern that CPALC might not be as representative of Town and Parish Councils as previously, the

District Council still needs to demonstrate that it is appointing Town and Parish Council representatives to the Committee in a fair and open way.

3.2 Whilst it is for the District Council to decide how it wishes to recruit and appoint Town and Parish Council representatives, it is important that these representatives should have the trust of Town and Parish Councils in the authority's area and therefore the Committee might consider that they should be directly involved in the selection process. With this in mind and given the experience and knowledge of the former Town and Parish Council representatives, the Committee may consider it reasonable to –

- ◆ invite Messrs J Alexander and G Watkins to express an interest in the two posts of Town and Parish Council representative on the Committee;
- ◆ invite the views of CPALC on the appointment process and if considered appropriate, to seek the two nominations required through their membership; and
- ◆ invite all Parish Councils to request their Members to express an interest in the positions.

3.4 Members are reminded that a small allowance of £231 per annum formerly was payable and any travelling and subsistence costs incurred in attending meetings of the Committee and training events was met by the District Council.

4. **RECOMMENDATIONS**

- (a) that Members reaffirm their decision to appoint two Town or Parish Councillors to be co-opted as non-voting Members of the Committee;
- (b) that an allowance of £231 per annum be made payable to the two appointed Town or Parish Council representatives plus reimbursement for any subsistence/travelling costs incurred in attending meetings of the Committee or training events;
- (c) that Members' views be invited on the most appropriate way to appoint two Town or Parish Council representatives to the Committee; and
- (d) that, subject to the receipt of expressions of interest via whichever method is selected by the Committee, the Monitoring Officer be authorised to appoint two Town or Parish Council representatives after consultation with the Independent Person.

BACKGROUND PAPERS

Previous Committee reports – July 2010 and June 2012.

Contact Officers:
Christine Deller, Democratic Services Manager
Tel Nos: (01480) 388007.

**PROPOSED CHANGES TO TERMS OF REFERENCE
(Report by the Head of Legal & Democratic Services and
Monitoring Officer)**

1. INTRODUCTION

- 1.1 The special meeting of the Committee in June 2012 recommended the Council 'to authorise the Head of Legal & Democratic Services and Monitoring Officer, after consultation with the Chairman of the Standards Committee and the Corporate Governance Panel to make appropriate variations to the Constitution consequent upon the changes to the District Council's Standards arrangements.'
- 1.2 The Council approved this recommendation at its meeting on 4th July 2012. The Council also agreed to retain a Standards Committee comprising seven elected Members on the basis that there still was a need to respond to standards issues and consider how best to deal with complaints and investigations.
- 1.3 Because the timescale for the adoption of the new Code and its implications was short, there was little opportunity to consider in any detail how a new Standards Committee might operate in the future. Reports elsewhere on this Agenda consider the potential for Parish Council representation on the new Committee and the appointment of Independent Persons. Both would be co-opted to the Committee as non-voting Members.
- 1.4 It is opportune therefore to consider the terms of reference for the new Committee and to update in particular, Article 9 of the Constitution which relates to the Standards Committee.

2. ARTICLE 9 – STANDARDS COMMITTEE: ISSUES

- 2.1 A copy of the current Article 9 is appended with suggested amendments to reflect the way in which it is envisaged the Committee might begin to operate.
- 2.2 There are several issues to consider. In terms of attendance, there is no longer a requirement for the Independent Person or Deputy to be present at a meeting of the Committee for the proceedings to be valid nor for Town and Parish Councillors to be present when matters relating to Town and Parish Councils or their Members are being considered. The Committee may wish to consider whether this arrangement should continue irrespective of the absence of any statutory requirement in this respect.
- 2.3 Members will recall that formerly misconduct complaints were considered through a process involving three separate Sub-Committees. Whilst the new regime presents an opportunity to simplify this approach, the Committee may consider it appropriate (for greater flexibility) to appoint a Sub-Committee to respond to any complaints which may arise in the future. The Localism Act also gave

discretion for dispensations to be granted in certain circumstances by the Monitoring Officer. There are still circumstances, however, when it might be appropriate that discretion to grant dispensation remains with the Committee or a Sub-Committee, after consultation with the Independent Person. Should requests for dispensations require to be considered urgently it could be more convenient to call meetings of a Sub-Committee rather than the full Committee.

- 2.4 It is suggested that a potential Sub-Committee might comprise 3 Members but the Committee might consider that the Independent Person (or Deputy) and a Town and Parish Council representative also should become involved albeit in a non-voting capacity.

3. RECOMMENDATION

- 3.1 Members' views are invited on the proposed new Terms of Reference for the Standards Committee and the potential for the appointment of a Sub Committee to deal with complaints and respond to urgent applications for dispensation. .

BACKGROUND PAPERS

District Council Constitution

Contact Officers:
Christine Deller, Democratic Services Manager
Tel Nos: (01480) 388007.

ARTICLE 9 - STANDARDS COMMITTEE

1. STANDARDS COMMITTEE

The Council shall at the annual meeting establish a Standards Committee ~~under Section 102 of the Local Government Act. Its composition shall be governed by proportionality and it shall be subject to the same requirements on confidential and exempt information as any other Committee. The Committee must be chaired by an independent member.~~

2. MEMBERSHIP

The Standards Committee shall comprise -

- ◆ 7 members of the Council (~~of whom one must be to include one a member of the Cabinet but excluding the who is a Member of the Executive Leader/Executive~~);
- ◆ 1 Independent Person (IP)~~4 independent members~~ who ~~are is~~ not a councillor or officers of the Council or any other local authority; and ~~(to be appointed*)~~
- ◆ 3 2 town or parish councillors, representing town and parish councils in the District.~~(to be appointed*)~~

~~A member of the Cabinet may not chair the Committee.~~

The independent ~~members person (and Deputy)~~ shall be appointed to serve on the Committee for a term of ~~four- three~~ years from the date of their appointment ~~as required under Section 28(7) of the Localism Act. and in~~ the event that the ~~independent member~~ fails to attend a meeting or function associated with the Committee for a period of nine months, that member would be automatically disqualified from ~~his/her membership of the Committee duties.~~ An Independent Person shall be eligible for reappointment for a further term or terms.

The Chairman and Vice Chairman of the Committee will be elected by the Committee and the Chairman of the Committee, or or in his/her absence, the Vice-Chairman, ~~irrespective of whether that person is an elected Member,~~ should present the report of the Committee at Council meetings.

3. VALIDITY OF PROCEEDINGS

The ~~independent members~~Person and town or parish councillors will be entitled ~~to vote at meetings to attend meetings as non voting co optees.~~ The quorum for a meeting of the Committee is at least three members of the Council and at least one independent member. The town or parish councillor must be present when matters relating to town and parish councils or their members are being considered. ~~??~~

~~Where at least one independent member would have been present for the duration of the meeting but for the fact that he was prevented or restricted from participating in any business of the authority by virtue of its Code of~~

~~Conduct, the above requirement for the quorum to include at least one independent member shall not apply.~~

4. FUNCTIONS AND ROLE

The Standards Committee will have the following functions and roles in respect of the District Council and its members and town and parish councils and their members -

- ◆ promoting and maintaining high standards of conduct by members;
- ◆ assisting members and co-opted members to observe their authority's code of conduct;
- ◆ advising the Council on the adoption or revision of a **Members'** Code of Conduct and monitoring the operation of the Code;
- ◆ advising, training or arranging to train members and co-opted members on matters relating to the Code;
- ◆ granting dispensations to District councillors and co-opted members from the requirements relating to interests in the Members' Code of Conduct;
- ~~◆ determining requests from complainants to review decisions not to take action or to investigate an alleged breach of the Members' Code of Conduct;~~
- ~~◆ consider reports arising from any investigation of alleged misconduct and to make a decision on the findings of the Investigator;~~
- ◆ undertaking hearings into alleged breaches of the **Members'** Code of Conduct;
- ~~◆ determining appropriate sanctions or actions in response to breaches of the Code of Conduct; and~~
- ~~◆ maintain an overview of dispensations granted to parish councillors from requirements relating to interests set out in a code of conduct;~~
- ~~◆ the exercise of the above in relation to parish councils in Huntingdonshire and members of those Parish Councils; and~~
- ◆ granting and supervising the exemption of certain posts from political restrictions under the Local Government and Public Involvement in Health Act 2007.

The Standards Committee shall have the following other functions in respect of the District Council and its members -

- ◆ formulating and recommending to the Council for adoption a Protocol for Member/Officer Relations and monitoring the operation of the Protocol; and
- ◆ adoption of ~~a~~ Codes of Conduct for Planning and Licensing and monitoring the operation of the Codes.

5. SUB COMMITTEE OF THE STANDARDS COMMITTEE

The Committee may appoint a Sub Committee comprising 3 Members to –

- ~~◆ consider reports from an investigator appointed to investigate an alleged breach of the Code of Conduct;~~
- ~~◆ to act as a Hearings Panel to consider determinations following an investigation on an alleged breach of the code of conduct; and~~
- ~~◆ to consider urgent requests for dispensations from District Council Members?~~

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NEW STANDARDS REGIME - PROGRESS
(Report by the Head of Legal & Democratic Services
and Monitoring Officer)

1. INTRODUCTION

- 1.1 Members will recall that both the Committee and the Council at their last meetings on 21st June and 4th July 2012 respectively, authorised the Head of Legal and Democratic Services and Monitoring Officer to put in place arrangements to ensure that the District Council complied with the requirements of the Localism Act 2000 in respect of “Standards” as soon as possible after the effective date of 1st July 2012.
- 1.2 Bearing in mind the timescale imposed by the Government for adoption of the new Code and its implications, this report describes the action taken thus far by the Monitoring Officer to comply with the instructions of the Council and the Committee.

2. PROGRESS TO-DATE

- 2.1 A new Code of Conduct was adopted by the District Council on 4th July 2012. Guidance Notes accompanied by a new Declaration of Interest Form was sent to all District Councillors on 18th July 2012. Although pointing out that the timescale for compliance was tight i.e. 28 days from the date the Code was adopted by the Council, 25 declarations are still outstanding from District Councillors. Those forms received have been published on the District Council’s website in accordance with requirements of the Localism Act.
- 2.2 Letters were sent to all Town and Parish Councils on 10th and 19th July 2012 giving advice on the options available for the adoption of a new Code of Conduct, enclosing guidance on disclosable pecuniary interests and copies of new Declaration Forms.
- 2.3 So far and as at 28th August – of the 71 Town and Parish Councils in Huntingdonshire, fifteen have adopted the Huntingdonshire Code and four have chosen to adopt the version produced by the National Association of Local Councils. Fifty three individual declaration forms have been received and 597 still are outstanding. Alwalton, Tilbrook, Upton and Coppingford have responded in full and their register and forms are published on the District Council’s website in accordance with the Act. But for some queries, there are a number of other Parish Councils close to the point of publication.
- 2.4 As an illustration of the correspondence sent to Town and Parish Councils, copies of the material issued is appended hereto.
- 2.5 More recently, the Monitoring Officer has issued a further Advice Note and Model Application Form to all Town and Parish Clerks in respect of the granting of dispensation. Copies of the advice and Model Form are also enclosed.

- 2.6 Earlier on the Agenda, the Monitoring Officer described the action he had taken to attract candidates to the post of Lead and Deputy Independent Persons. Four applications had been received by the closing date of 25th August and following the Committee's meeting, it is the intention to convene a meeting of an Appointment Panel to enable a recommendation as to the successful candidate to be approved by the Council on 25th September 2012.
- 2.7 As the introduction of the new standards requirements coincided with the Summer holiday season, the Monitoring Officer considered it prudent to hold training sessions in abeyance until the Autumn.

3. GENERAL DISPENSATION

- 3.1 Members may recall that the former Model Code of Conduct prescribed specified circumstances when a Member could exclude themselves from having to declare a prejudicial interest and leave the room when business arose in connection with that interest. For instance, one of these matters related to housing, where the Member was a tenant of the Authority provided the functions under discussion did not relate to the Member's tenancy or lease.
- 3.2 As there are no similar exclusions in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, the Committee may consider it appropriate to grant a general dispensation to all Members of the Council in specified circumstances.
- 3.3 Under Chapter 7, Section 33(2) of the Localism Act, a relevant authority may "grant a dispensation..... if, after having had regard to all relevant circumstances, the authority –
- (a) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
 - (c) considers that granting dispensation is in the interests of persons living in the Authority's area;
 - (d) if it is an Authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each Member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or;
 - (e) considers that it is otherwise appropriate to grant a dispensation.

A dispensation under this Section must specify the period for which it has effect, and the period specified may not exceed four years".

3.4. It is proposed that a dispensation be granted to enable Members to speak and vote where they have a disclosable pecuniary interest but where that interest is one which a member of the public with knowledge of the relevant facts would not reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest. Such dispensation to include the following specific circumstances –

- (i) setting the Council Tax and budget under the Local Government Finance Act 1992; and
- (ii) setting the allowances, payments or indemnity given to Members.

4. RECOMMENDATION

4.1 The Committee is requested to note the action taken so far to introduce the new Standards arrangements; and

4.2 The Committee is requested to grant a general dispensation to all Members of the Council for the period ending 30th April 2016 to enable all District Councillors to speak and vote on matters specified in paragraph 3.4.

BACKGROUND PAPERS

Localism Act 2011.

Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Contact Officer:

Christine Deller, Democratic Services Manager

Tel No: (01480) 388007.

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10 July 2012

Dear Chairman/Clerk

After months of waiting and despite representations requesting a postponement of the commencement date (on the basis that the timescale for adoption of a new Code and dealing with the implications was too short), the Government eventually made Regulations in early June defining 'disclosable pecuniary interests' and bringing into effect a new standards regime from 1 July.

Under the Localism Act 2011 (the Act), all Councils, including County, District and Town and Parish, are under a duty to promote and maintain high standards of conduct by members and co-opted members of the authority.

There is no longer a nationally prescribed Code, but every Council must now adopt a new Code of Conduct for its members, which complies with the requirements of the Act. Under the Act, a Town or Parish Council may comply with the statutory requirements by adopting the Code adopted by the District Council.

At its Council Meeting on 4 July, Huntingdonshire District Council resolved to adopt the Code of Conduct in the form attached to this email and as the District Council remain responsible for putting in place arrangements for dealing with complaints of misconduct against both district and town and parish members, there is clearly an advantage in all councils adopting the same or a largely similar code. Whilst it is a decision for each Council, I would recommend that you adopt either the District Council Code, or alternatively the 'model' produced by the National Association of Local Councils, a copy of which is also attached (*reproduced with the kind permission of the National Association of Local Councils (NALC) in 2012*). If you do adopt the NALC Code you should add the following footnote:-

This code of conduct has been adapted from the template code of conduct produced by the National Association of Local Councils (NALC) in 2012.

I will be writing to you again in the near future as I am required to establish and maintain a register of 'disclosable pecuniary interests' (see the Appendix to the District Council's adopted Code), for all Town and Parish Members and publish these on the Council's website. A Town/Parish Council that has its own website, must also publish its register of interests on that website. I will in due course provide guidance about 'disclosable pecuniary interests' and provide training (probably from September onwards) on the new Code of Conduct.

Please will you advise me as soon as possible when your Council has adopted a new Code by completing and returning the attached form, either confirming it is identical to the District Council's or NALC's, or if it is not, by sending me a copy of your adopted Code.

Yours sincerely



Colin Meadowcroft
Monitoring Officer &
Head of Legal and Democratic Services

Tel: 01480 388021

Email: colin.meadowcroft@huntingdonshire.gov.uk

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CODE OF CONDUCT FOR MEMBERS

Introduction

Huntingdonshire District Council (the Authority) has adopted this Code of Conduct pursuant to Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the Authority or when they claim to act or give the impression of acting as a representative of the Authority.

This Code is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership (“the Nolan Principles”).

1 Application

This Code of Conduct applies to you whenever you are acting, claim to act or give the impression you are acting in your capacity as a Member of the Authority, including –

- 1.1 at formal Meetings of the Authority
- 1.2 when acting as a representative of the Authority
- 1.3 in taking any decision as a Cabinet Member or a Ward Councillor
- 1.4 in discharging your functions as a Ward Councillor
- 1.5 when corresponding with the authority other than in a private capacity

2 Meeting

In this Code “Meeting” means any meeting organised by or on behalf of the Authority, including :-

- 2.1 any meeting of the Council, or a Committee or Sub-Committee of Council
- 2.2 any meeting of the Cabinet and any Committee of the Cabinet
- 2.3 at any briefing by Officers; and
- 2.4 at any site visit to do with the business of the Authority

3 General Conduct

You must –

- 3.1 provide leadership to the authority and communities within its area, by personal example and
- 3.2 respect others and not bully or threaten or attempt to bully or threaten any person

- 3.3 respect the confidentiality of information which you receive as a Member by—
- 3.3.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
- 3.3.2 not obstructing third parties' legal rights of access to information
- 3.4 not conduct yourself in a manner which is likely to bring the Authority into disrepute
- 3.5 use your position as a Member in the public interest and not for personal advantage
- 3.6 comply with the Authority's reasonable rules on the use of public resources for private and political purposes
- 3.7 exercise your own independent judgement, taking decisions for good and substantial reasons by—
- 3.7.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups;
- 3.7.2 paying due regard to the advice of Officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer; and
- 3.7.3 stating the reasons for your decisions where those reasons are not otherwise apparent
- 3.8 do nothing that causes the Authority to act unlawfully.

4 Disclosable Pecuniary Interests

- 4.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and either:
 - (a) it is an interest of yours; or
 - (b) it is an interest of:
 - (i) your spouse or civil partner; or
 - (ii) a person with whom you are living as husband and wife; or
 - (iii) a person with whom you are living as if you were civil partners;and you are aware that other person has the interest.
- 4.2 You must -
- 4.2.1 comply with the statutory *and the Authority's* requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest.
- 4.2.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests.
- 4.2.3 make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which

affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.

- 4.2.4 *Where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not (unless you have obtained a dispensation from the Authority's Monitoring Officer) –*
- (i) participate further, in any discussion of the matter at the meeting; or*
 - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.*

5 Other Interests

- 5.1 In addition to the requirements of Paragraph 4, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 5.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –
- 5.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
- 5.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.

6 Gifts and Hospitality

- 6.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Member from any person or body other than the authority.
- 6.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

NOTE:

Members must also comply with the relevant Codes and Protocols contained in Part 5 of the Constitution.

Appendix

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

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

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

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

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“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.

NALC's template code of conduct for parish councils (final version)

Introduction

This Briefing updates L08-12 and it should be read in conjunction with Legal Topic Note 80 dated 21 June 2012. NALC's template code of conduct has been finalised and is attached.

NALC's template code of conduct incorporates a member's new mandatory obligations in the Localism Act 2011 ('the 2011 Act') concerning 'disclosable pecuniary interests' which come into force on 1 July 2012. Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464). They are set out in Legal Briefing L10-12.

Important information (explained in detail in LTN 80 and Legal Briefing L10- 12)

1. The code of conduct adopted by a parish council in satisfying its duties in s.51 of the Local Government Act 2000 **ceases** to have effect on 1 July 2012 (paragraph 56 of schedule 4 of the 2011 Act).
2. An undertaking to comply with a code of conduct given by a person under s.52 of the Local Government Act 2000 or as part of a declaration of acceptance of office in a form prescribed by order under s.83 of the Local Government Act 1972 ceases to have effect when the parish council's existing code **ceases** to have effect on 1 July 2012 (paragraph 56 of schedule 4 of the 2011 Act).
3. The Localism Act 2011 (Commencement No.6 and Transitional, Savings and Transitional Provisions) Order 2012 ('the 2012 Regulations'), brought into force on 7 June 2012, confirms :-
 - a parish council must, pursuant to s.27 of the 2011 Act, adopt a new code of conduct which complies with the provisions of s. 28 of the 2011 Act **to take effect on or after 1 July 2012.**
 - the district/ unitary authority's Monitoring Officer must prepare a register of interests for members of parish councils in the principal authority's area **to take effect on or after 1 July 2012.**
4. The 2012 Regulations also confirm that on 1 July, a member of a parish council is at risk of prosecution for committing criminal offences in s.34 of the 2011 Act if:-
 - he/she, without a dispensation, participates or votes on a matter being considered at a meeting in which he/she has a 'disclosable pecuniary interest' (s.31(4) of the 2011 Act) or
 - written notification of such disclosable pecuniary interest has not already been given to the Monitoring Officer, and the member does not disclose the disclosable pecuniary interest to the meeting and does not provide written notification of the interest to the Monitoring Officer within 28 days of the meeting (ss.31(2) and (3) of the 2011 Act) or

- he/she knowingly or recklessly provides false or misleading information about the above (s.34(2) of the 2011 Act).

Advice

A parish council has a duty to adopt a new code of conduct.

After 6 June 2012, a parish council must adopt a new code of conduct (which may or may not be based on the NALC template code of conduct) to take effect on 1 July 2012 or as soon as possible thereafter. A member's mandatory obligations relating to prescribed disclosable pecuniary interests are incorporated in the NALC template code of conduct. If a parish council adopts the NALC template, its members are also required to register disclosable pecuniary interests within 28 days of adoption of the code.

For the period that a parish council has no code of conduct (because its code ceased to have effect on 1 July 2012 and it has not resolved to adopt a new code of conduct), members of the parish council are still subject to the mandatory obligations in the 2011 Act in relation to disclosable pecuniary interests (summarised above) from 1 July 2012.

Useful reminders

The function of adopting, revising or replacing a code of conduct must be discharged by full council (s.28(13) of the 2011 Act). A parish council must publicise its adoption (and in future any revision or replacement) of a code of conduct in such manner as it considers is likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area (s. 28(12)).

Whilst members of a parish council may provide written notification of interests (including disclosable pecuniary interests) to the Monitoring Officer, most Monitoring Officers are likely to prepare a standard register of interests form for members of parish councils to complete. Members of parish councils should liaise directly with the Monitoring Officer about providing written notifications about their interests.

This briefing was issued by Meera Tharmarajah, Solicitor and Head of Legal Services

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FINAL

NALC template code of conduct for parish councils

Introduction

Pursuant to section 27 of the Localism Act 2011, X [Parish/Town/Village/Community/Neighbourhood] Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidating.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.

8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests at meetings

10. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
12. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
13. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.

14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

15. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

Appendix A

Interests described in the table below.

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 member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, 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 member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council —
	(a) under which goods or services are to be provided or works are to be executed; and
	(b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member’s knowledge) —
	(a) the landlord is the Council; and
	(b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where —
	(a) that body (to the member’s knowledge) has a place of business or land in the area of the Council; and
	(b) either —
	(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
	(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*‘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.

Appendix B

An interest which relates to or is likely to affect:

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

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Dear Clerk/Chairman,

Further to my email of 10 July, I attach Declaration of Interest forms that need to be completed by each of your Councillors.

Form A is for use by those Councils that adopt a Code based on the Huntingdonshire District Council Code.

Form B is for use by those Councils that adopt the NALC Code. This has an additional section to cover the interests referred to in Schedule B of the NALC Code, which is not in the Huntingdonshire Code.

If neither of the above Codes are adopted then you will need to prepare your own Declaration of Interest Form, as clearly it will need to reflect the specific requirements of that Code.

I also attach a Briefing Note that may be of assistance to Clerks and Members of Councils who have adopted or intend to adopt a Code based on the Huntingdonshire District Council Code. It is not relevant to those adopting the NALC Code.

If you have adopted, or intend to adopt the NALC Code then you will need to check if NALC issue their own guidance.

Please arrange for the forms to be distributed, completed and returned to you and then either:-

- (i) Scanned and sent by email to codeofconduct@huntingdonshire.gov.uk; or
- (ii) Sent by post addressed to the Monitoring Officer, Huntingdonshire District Council, Pathfinder House, St Mary's street, Huntingdon, PE29 3TN.

Please note that it is a requirement of the Localism Act that all Declaration of Interest Forms are published on the District Council's website, subject to the exception regarding "Sensitive Interests" (see "Is the register of "disclosable pecuniary interests" published?" in the attached Briefing Note) and where a Town or Parish Council has its own website, they must also published on that website.

I look forward to receipt of the completed forms as soon as possible and in any event within 28 days of adoption of your new Code.

Regards,

Colin Meadorcroft

Head of Legal & Democratic Services
& Monitoring Officer
Huntingdonshire District Council
01480 388021

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REGISTER OF MEMBERS' INTERESTS

THE RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012

Explanatory Notes

1. *This form must be completed and returned within 28 days of the adoption of the Code of Conduct or within 28 days of your election or appointment to office.*
2. *You must within 28 days of becoming aware of any changes to the interests specified above provide written notification to the Monitoring Officer of that change.*
3. *The Register of Interests is maintained by the Monitoring Officer in accordance with Section 29 of the Localism Act 2011 and will be published on the Council's website.*
4. *If you have a disclosable pecuniary interest and you consider that disclosure of that interest could lead to you or any person connected with you, being subject to violence or intimidation, you may apply to the Council's Monitoring Officer to exclude details of the interest from the published register, (but it may state that the Member has an interest, the details of which are being withheld).*
5. *In certain circumstances, failure to register or to declare a "declarable pecuniary interest" is a criminal offence. So is speaking and voting, unless you have a dispensation. This is punishable on conviction by a fine of up to £5,000 and/or disqualification as a councillor for up to five years.*

I _____ (full name in block capitals)

a Member¹ of _____ Town/Parish Council
(the 'Council') give notice that I have set out below under the appropriate headings my disclosable pecuniary interests, and those of my Partner² that are known to me and which are required to be declared under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, and in accordance with the Members' Code of Conduct adopted by the Council.

1. Any employment, office, trade, profession or vocation carried on for profit or gain

Note: Please provide the name and address of any employer or business and your job title/description.

Myself	Partner

¹ 'Member' includes a co-opted Member.

² 'Partner' includes your spouse, civil partner or person with whom you are living as if they were your spouse or civil partner.

2. Sponsorship

Any payment or provision of any other financial benefit (**other than from the Council**) made or provided within the relevant period³ in respect of any expenses incurred in carrying out duties as a Member or towards 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.

Myself	Partner

3. Contracts

Any contract which is made between -

- you or your Partner; **or**
 - a firm in which either you or your Partner is a partner; **or**
 - a body corporate (including a member of the committee of management of an Industrial and Provident Society) of which you or your Partner is a director; **or**
 - a body corporate in which you or your Partner has a beneficial interest in its securities⁴ **and** the Council -
- (a) under which goods or services are to be provided or works are to be executed; and
 (b) which has not been fully discharged.

Myself	Partner

³ 'relevant period' means the period of 12 months ending with the day on which you give notice of its existence.

⁴ '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.

4. Land⁵

Any land in which you or your Partner has a beneficial interest which is within the area of the Council.

*Notes: Please provide address or other description sufficient to identify the location.
It should also include your home address.*

Myself	Partner

5. Licences

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

Myself	Partner

6. Corporate Tenancies

Any tenancies where (to your knowledge) -

- (a) the landlord is the Council; and
- (b) the tenant is a body in which you/your Partner has a beneficial interest.

Myself	Partner

⁵ 'land' excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

7. Securities

Any beneficial interest you/your Partner has in securities [\(see Footnote⁴\)](#) of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of the Council; **and**
- (b) **either**
 - (i) the total nominal value⁶ 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 [\(see Footnote⁹\)](#) of the shares of any one class in which you/your Partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Myself	Partner

8. Disclosure of Gifts and Hospitality

You must reveal the names of any person from whom you have received a gift or hospitality with an estimated value of at least £50, which you have **received in your capacity as a Councillor**.

Date of receipt of Gift/Hospitality	Name of Donor	Nature and estimated value of Gift/Hospitality

Member's Signature: _____

Date: _____

After completion, please sign and return to your Clerk who has been requested to forward them on -

- *by e-mail to codeofconduct@huntingdonsshire.gov.uk; or*
- *by post addressed to the Monitoring Officer, Huntingdonsshire District Council, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN*

TOWN/PARISH COUNCIL

REGISTER OF MEMBERS' INTERESTS

THE RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012

Explanatory Notes

1. This form must be completed and returned within 28 days of the adoption of the Code of Conduct or within 28 days of your election or appointment to office.
2. You must within 28 days of becoming aware of any changes to the interests specified above provide written notification to the Monitoring Officer of that change.
3. The Register of Interests is maintained by the Monitoring Officer in accordance with Section 29 of the Localism Act 2011 and will be published on the Council's website.
4. If you have a disclosable pecuniary interest and you consider that disclosure of that interest could lead to you or any person connected with you, being subject to violence or intimidation, you may apply to the Council's Monitoring Officer to exclude details of the interest from the published register, (but it may state that the Member has an interest, the details of which are being withheld).
5. In certain circumstances, failure to register or to declare a "declarable pecuniary interest" is a criminal offence. So is speaking and voting, unless you have a dispensation. This is punishable on conviction by a fine of up to £5,000 and/or disqualification as a councillor for up to five years.

I _____ (full name in block capitals

a Member¹ of _____ Town/Parish Council
(the 'Council') give notice that I have set out below under the appropriate headings my disclosable pecuniary interests, and those of my Partner² that are known to me and which are required to be declared under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, and in accordance with the Members' Code of Conduct adopted by the Council.

1. Any employment, office, trade, profession or vocation carried on for profit or gain

Note: Please provide the name and address of any employer or business and your job title/description.

Myself	Partner

¹ 'Member' includes a co-opted Member.

² 'Partner' includes your spouse, civil partner or person with whom you are living as if they were your spouse or civil partner.

2. Sponsorship

Any payment or provision of any other financial benefit (**other than from the Council**) made or provided within the relevant period³ in respect of any expenses incurred in carrying out duties as a Member or towards 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.

Myself	Partner

3. Contracts

Any contract which is made between -

- you or your Partner; **or**
 - a firm in which either you or your Partner is a partner; **or**
 - a body corporate (including a member of the committee of management of an Industrial and Provident Society) of which you or your Partner is a director; **or**
 - a body corporate in which you or your Partner has a beneficial interest in its securities⁴ **and** the Council -
- (a) under which goods or services are to be provided or works are to be executed; and
 (b) which has not been fully discharged.

Myself	Partner

³ 'relevant period' means the period of 12 months ending with the day on which you give notice of its existence.

⁴ '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.

4. Land⁵

Any land in which you or your Partner has a beneficial interest which is within the area of the Council.

Notes: Please provide address or other description sufficient to identify the location.

It should also include your home address.

Myself	Partner

5. Licences

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

Myself	Partner

6. Corporate Tenancies

Any tenancies where (to your knowledge) -

(a) the landlord is the Council; and

(b) the tenant is a body in which you/your Partner has a beneficial interest.

Myself	Partner

⁵ 'land' excludes an easement, servitude, right of way or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

7. Securities

Any beneficial interest you/your Partner has in securities [\(see Footnote⁴\)](#) of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of the Council; **and**
- (b) **either**
 - (i) the total nominal value⁶ 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 [\(see Footnote⁶\)](#) of the shares of any one class in which you/your Partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Myself	Partner

8. Disclosure of Gifts and Hospitality

You must reveal the names of any person from whom you have received a gift or hospitality with an estimated value of at least £50, which you have **received in your capacity as a Councillor**.

Date of receipt of Gift/Hospitality	Name of Donor	Nature and estimated value of Gift/Hospitality

⁶ 'nominal value' means the amount shown on the share certificate; *not* the market value.

9. Schedule B Interests

I am a member of, or I am in a position of general control or management in the following body/bodies -

(a) to which I have been appointed or nominated by the Council

(b) exercising functions of a public nature (e.g. school governing body or another Council)

(c) directed to charitable purposes

(d) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Member's Signature:

Date:

After completion, please sign and return to your Clerk who has been requested to forward them on -

- by e-mail to codeofconduct@huntingdonsshire.gov.uk; or
- by post addressed to the Monitoring Officer, Huntingdonsshire District Council, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN

BRIEFING NOTE FOR MEMBERS DISCLOSABLE PECUNIARY INTERESTS

1. INTRODUCTION

Members will be aware that as from 1 July, 2012 the old standards regime was abolished by the Localism Act 2011 and that every Council was required to adopt a new Code. The Council did this at its meeting on 4 July 2012. As a consequence of these changes, there are new requirements regarding the registering and declaration of interests, details of which are set out below. **Please note that these changes have immediate effect.**

SUMMARY OF KEY CHANGES

The following key changes take effect following the adoption of the new Code:

- Personal and prejudicial interests are abolished and are replaced with “Disclosable Pecuniary Interests” (DPIs).
- DPIs are broadly equivalent to previous “prejudicial interests”, but now also extend to interests held by a Member’s spouse or civil partner.
- Members must register DPIs within 28 days of election and must notify the Monitoring Officer of any changes within 28 days.
- If a Member has a DPI in a matter under consideration at a meeting, they may not participate in the discussion or vote, unless the Member has been granted a “dispensation”.
- If a Member has a DPI they should also leave the room whilst the matter is under discussion and being voted on.
- Failure to comply with certain rules relating to DPIs is a criminal offence and may be punished by a fine of up to £5,000 and/or disqualification for up to 5 years.
- Under the new Code certain “Other Interests” (similar to “personal interests” under the previous Code) must be declared at a meeting, but these do not need to be registered and will not prevent a Member speaking or voting on a matter.

2. FREQUENTLY ASKED QUESTIONS

What is a “disclosable pecuniary interest”?

Disclosable pecuniary interests are very similar to the property and financial interests that had to be registered and declared previously and include, your employment, property, any contracts you have with the Council etc. (*A complete list of disclosable pecuniary interests is set out in the Council’s Code of Conduct and also listed on the register of interests form.*)

There is, however, ONE IMPORTANT DIFFERENCE, namely that you now need to declare, not only your own interests, **but also** those of:

- **Your spouse or civil partner;**
- **A person with whom you are living as husband and wife; and**
- **A person with whom you are living as if you are civil partners.**

The need to declare only arises if you are aware that your spouse/partner has the interest.

What are my obligations to register a “disclosable pecuniary interest”?

You need to notify the Council’s Monitoring Officer of all disclosable pecuniary interests within 28 days of adoption of the Code or your election, if later.

You must ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests.

However, if you are at a meeting that is considering something in which you have a disclosable pecuniary interest, and that interest is not registered, you must register the interest within 28 days of the meeting.

What are my obligations to declare a “disclosable pecuniary interest”?

Whether or not your disclosable pecuniary interest is registered, **you must declare** the existence and nature of a disclosable pecuniary interest at any meeting at which you are present where an item of business, which affects or relates to that interest, is under consideration. You must do this before the consideration of the item of business, or as soon as the interest becomes apparent.

What are the consequences of having a “disclosable pecuniary interest” in a matter?

You may not speak or vote when the matter is being considered. The fact of having a disclosable pecuniary interest will always be a bar to participation, **unless** you obtain a dispensation (see below).

Do I need to leave the room if I have a “disclosable pecuniary interest”?

Yes. This is required by the adopted Code and the Council’s Constitution.

Is the register of “disclosable pecuniary interests” published?

Yes, there is a legal obligation to make the register available for inspection and to publish it on the Council’s website.

However, an interest may be exempted from publication if it is a “**sensitive interest**”. An interest is “sensitive” if its disclosure could lead to the Member, or to someone connected with them, being subject to violence or intimidation.

Responsibility for deciding whether an interest is “sensitive” is given to the Monitoring Officer.

I have a disclosable pecuniary interest but would like to speak and vote. What should I do?

It is possible to **obtain a dispensation** to speak and/or vote in a range of circumstances, but this will need to be done in advance of the meeting in question. Dispensations may be granted by the Standards Committee (or in certain circumstances, the Monitoring Officer) where it considers that:

- without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- granting the dispensation is in the interests of persons living in the authority’s area;
- without the dispensation each Member of the authority’s executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority’s executive; or
- it is otherwise appropriate to grant a dispensation.

Breach of code and sanctions

It is a **criminal offence** to:-

- fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election;
- fail to disclose a Disclosable Pecuniary Interest at a meeting even if it is not on the register;
- fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a meeting;

- participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest (without a dispensation);
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a meeting

The criminal penalties available to a court on conviction are to impose a fine not exceeding £5000 and disqualification from being a Councillor for up to 5 years.

Almost all **other breaches** of the Code are **not criminal** and the sanctions available in those cases, include censure, but suspension is no longer possible.

Are any other interests covered by the Code?

Yes, the Council’s Code also covers a type of interest that is similar to the previous “personal interest”. Other interests arise where:-

- (i) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
- (ii) it relates to or is likely to affect any of the interests listed in the Table in the Appendix to the adopted Code, but in respect of a member of your family (other than your spouse/civil partner as they would have a disclosable pecuniary interest) or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

What must I do if I have an “Other” type Interest?

In the interests of transparency, the Council’s new Code requires these “other interests” to be declared at meetings, but this will not prevent the Member speaking or voting. Failure to comply with these requirements is **not a criminal offence**, but is potentially a breach of the Code.

3. BRIEFING SESSIONS

We will be arranging one or more briefing sessions for Members, but please feel free to contact me or Christine Deller (☎ 01480 388007) if you have any queries or need any help in the interim.

Colin Meadowcroft

Monitoring Officer and

Head of Legal & Democratic Services

☎ 01480 388021

Subject: Advice to Town/Parish Councils re Dispensations and Model Application form
Attachments: Dispensation Procedure Guide for Parish Councils (Final).doc; Parish Council Template Dispensation Request Form (Final).doc

Dear Clerk/Chairman

In my Briefing Note circulated on 19 July I referred to the right of a Member to seek a "dispensation" to speak and/or vote when they had a disclosable pecuniary interest in a particular matter. Previously dispensations were issued by the Standards Committee of the District Council, but as Parish Councils are defined as a 'relevant authority' under the Act, they are now responsible for determining requests for a dispensation by a Parish Councillor under Section 33.

I attach a dispensation procedure guide and suggested 'model' application form that you may wish to utilise and distribute to your Members.

Please also note that if you adopt a Code based on the District Council's, you will need to make certain consequential amendments, e.g. by excluding references to Cabinet (which will not be relevant to Town/Parish Councils) etc, and also to Clause 4.2.4 by deleting "from the Authority's Monitoring Officer" and inserting "in accordance with Section 33 of the Localism Act 2011" in its place. If the Council has adopted the District Code without the necessary consequential amendments, then this can be rectified at your next Council meeting.

Yours faithfully,



Colin Meadowcroft
Monitoring Officer &

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DISPENSATIONS PROCEDURE GUIDE

TOWN AND PARISH COUNCILS

1. INTRODUCTION

Under the Localism Act 2011 (“the Act”), a Member or Co-opted Member who has a Disclosable Pecuniary Interest in a matter which is under consideration, may not participate in the consideration of that matter unless he/she has first obtained a dispensation from the ‘relevant authority’.

Previously dispensations were issued by the Standards Committee of the District Council, but as Town/Parish Councils are defined as a ‘relevant authority’ under the Act, they are now responsible for determining requests for a dispensation by a Town/Parish Councillor under Section 33.

This guide explains -

- (a) the purpose and effect of dispensations;
- (b) the procedure for requesting dispensations;
- (c) the criteria which are applied in determining dispensation requests;
- (d) the terms of dispensations;
- (e) general dispensations.

2. PURPOSE AND EFFECT OF DISPENSATIONS

In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.

Dispensations may allow the Councillor to participate in any -

- (a) discussion of the matter at the meeting(s); and/or
- (b) vote taken on the matter at the meeting(s).

If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held.

Please note: If a Town/Parish Councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, they may be committing a criminal offence under Section 34 of the Localism Act 2011.

3. PROCEDURE FOR MAKING REQUESTS

Any Councillor who wishes to apply for a dispensation must complete a Dispensation Request Form and submit it to the Proper Officer of the Town/Parish Council (i.e. the

Town/Parish Clerk) as soon as possible before the meeting for which the dispensation is required.

4. CONSIDERATION BY THE TOWN/PARISH COUNCIL

The Town/Parish Council can either delegate authority to the Town/Parish Clerk to grant dispensations, or reserve such decisions for the Town/Parish Council. Alternatively the Council might wish to delegate the power to grant dispensations for certain grounds to the Clerk e.g. ground (a) below, which is fairly objective, but deal with other applications through a meeting of the Council, or possibly by delegating to the Clerk, after consultation with the Chairman of the Council, or Vice-Chairman in cases of conflict of interest.

A dispensation may be granted to a Councillor who has a Disclosable Pecuniary Interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter if it is considered that -

- (a) so many Members of the Council/Committee have Disclosable Pecuniary Interests that it would impede the transaction of the business (i.e. the meeting would be inquorate); or
- (b) without the dispensation the representation of different political groups on the Council (if these exist) would be so upset as to alter the likely outcome of any particular vote;
- (c) the dispensation is in the interests of persons living in the authority's area; or
- (d) it is otherwise appropriate to grant a dispensation.

If the adopted Code prevents a Councillor speaking or voting where they have an interest other than a Disclosable Pecuniary Interest, the Town/Parish Council may wish to extend the provisions of the above paragraph to apply in the same way to those interests, but this is at the discretion of the Council.

The Town/Parish Clerk should formally notify the Councillor of their decision and reasons in writing at the earliest opportunity.

5. CRITERIA FOR DETERMINATION OF REQUESTS

The following are examples of criteria that may be appropriate in determining a request for a dispensation, but the Council will need to determine the factors they consider relevant. -

- (a) the nature of the Councillor's prejudicial interest, e.g. is it trivial or remote?
- (b) the need to maintain public confidence in the conduct of the Council's business;
- (c) in certain circumstances, the possible outcome of the proposed vote;
- (d) the need for efficient and effective conduct of the Council's business;
- (e) the Member has a particular expertise or knowledge in the matter that may be useful to its consideration (e.g. a Member could be allowed to speak, but not vote);

- (f) the interest is common to the Member and a significant proportion of the general public;
- (g) any other relevant considerations.

6. TERMS OF DISPENSATIONS

Dispensations may be granted -

- (a) to participate in any discussion of the matter; and/or
- (b) to participate in any vote on the matter;
- (c) for one meeting; or
- (d) for a limited period not exceeding 4 years.

7. DISCLOSURE OF DECISION

Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates. A copy of the dispensation will be kept with the Register of Councillors' Interests.

8. GENERAL DISPENSATIONS

The Council may wish to consider granting a general dispensation to all Councillors in situations where every Member is likely to have a disclosable pecuniary interest e.g. when setting the precept and annual budget.

DISPENSATION REQUEST FORM

Please give full details of the following in support of your application for a dispensation. You should refer to the accompanying 'Dispensations Guidance'. If you need any help completing this form please contact the Town/Parish Clerk.

Your Name:	
The business for which you require a dispensation (<i>refer to agenda item number if appropriate</i>):	
Details of your interest in that business:	
Date of meeting or time period (<i>up to 4 years</i>) for which dispensation is sought:	
Dispensation requested to participate in any discussion of that business by that body:	Yes/No*
Dispensation requested to participate in any vote taken on that business by that body:	Yes/No*
<p>Specify which of following ground(s) you consider relevant to your request:</p> <p>(a) so many Members of the Council/Committee have disclosable pecuniary interests that it would impede the transaction of the business (<i>i.e. meeting inquorate</i>); or</p> <p>(b) without the dispensation the representation of different political groups on the Council would be so upset as to alter the likely outcome of any particular vote; or</p> <p>(c) the dispensation is in the interests of persons living in the authority's area; or</p> <p>(d) it is otherwise appropriate to grant a dispensation.</p> <p>AND</p> <p>Please provide full reasons why you consider a dispensation is necessary (<i>use a continuation sheet if necessary</i>):</p>	<p>Grounds (a)/(b)/(c)/(d)* * Delete as appropriate</p> <p>Reason(s) for application:</p>

Signed: _____

Dated: _____

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**PROPOSED TRAINING PROGRAMME
(Report by the Head of Legal & Democratic Services and
Monitoring Officer)**

1. INTRODUCTION

- 1.1 Notwithstanding recent changes to standards arrangements, the Committee's terms of reference have always prescribed that it give training and advice on matters relating to the Code of Conduct. The former Committee promoted the importance of training as a way to avoid complaints and save the time and resources which would need to be committed to investigations and hearings. This approach has generally been successful given that the Council has been required only to investigate ten cases since the inception of the ethical standards process under the Local Government Act 2000.
- 1.2 In view of the provisions of the Localism Act 2011 in relation to standards and the requirement to adopt a new Code of Conduct and given the Regulations which followed on disclosable pecuniary interests, the Monitoring Officer considers it opportune to host a new programme of training for District Members and town and parish councils this Autumn.
- 1.3 The Committee may wish to note that recently elected District Councillors already have received Code of Conduct training by attending the new Members' induction course on 10th May 2012.

2. PROPOSED ARRANGEMENTS FOR TRAINING

- 2.1 Although there still remains an opportunity for the Monitoring Officer to attend, when invited, individual town and parish council meetings, given the degree of the changes which have occurred recently it is proposed that arrangements be made for a more comprehensive programme to take place in the Autumn.
- 2.2 Experience suggests that locally based area sessions are better attended so it is proposed that the Chairmen and Clerks of town and parish councils be invited to attend one of four venues on dates to be arranged –
- Civic Suite, Pathfinder House, Huntingdon
One Leisure, St Ives;
Priory Centre, St. Neots; and
Amenity Centre, Yaxley.
- 2.3 District Councillors local to the venues also could take the opportunity to participate in the sessions.
- 2.4 In terms of training for District Councillors, it is proposed to run several drop-in sessions in advance of scheduled meetings of Panels/Committees as follows –

Monday 10th September: 6-7pm prior to ELSG (to which Members of the Cabinet and Chairmen/Vice-Chairmen of Overview and Scrutiny Panels are invited)

Tuesday 11th September: 6-7pm prior to Overview and Scrutiny Panel (Environmental Well-Being)

Monday 17th September: 6-7pm prior to Development Management Panel

Tuesday 2nd October: 6-7pm prior to Overview and Scrutiny Panel (Social Well-Being)

3. PROPOSED PROGRAMME

3.1 It is suggested that the session should last approximately 60 minutes and comprise -

- ◆ a power point presentation by the Monitoring Officer – 30 minutes
- ◆ review of two/three case summaries in smaller groups – 15 minutes
- ◆ an opportunity for questions – 15 minutes

4. CONCLUSION

4.1 The Committee is requested to endorse the proposed approach to training this Autumn.

BACKGROUND PAPERS

None.

Contact Officers:
Christine Deller, Democratic Services Manager
Tel Nos: (01480) 388007.