

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
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Head of Legal and Democratic Services

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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, or 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.

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 intimidatory.
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 be 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 Meadowcroft

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 Footnote 4](#)) 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 Footnote 6](#)) 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@huntingdonshire.gov.uk; or*
- *by post addressed to the Monitoring Officer, Huntingdonshire District Council, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN*

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

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, 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 Footnote 4](#)) 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 Footnote 6](#)) 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@huntingdonshire.gov.uk; or*
- *by post addressed to the Monitoring Officer, Huntingdonshire 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*
Specify which of following ground(s) you consider relevant to your request: (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 (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 (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. AND Please provide full reasons why you consider a dispensation is necessary (<i>use a continuation sheet if necessary</i>):	Grounds (a)/(b)/(c)/(d)* * Delete as appropriate Reason(s) for application:

Signed: _____

Dated: _____

Please return your completed form to the Town/Parish Clerk