

Report of:	Meeting	Date	Item No.
The Leader of the Council (Cllr Gibson) and the Monitoring Officer, Michael Ryan	Council	26 July 2012	12

## IMPLEMENTATION OF NEW ETHICAL STANDARDS ARRANGEMENTS

### 1. Purpose of Report

- 1.1 To agree comprehensive new ethical standards arrangements for Wyre to fully implement the requirements of Chapter 7 of the Localism Act 2011, following the initial arrangements agreed at the Council meeting on 14 June 2012.

### 2. Outcomes

- 2.1 Effective ethical standards arrangements.

### 3. Recommendations

- 3.1 That the current Standards Committee be disbanded with immediate effect.
- 3.2 That a new Standards Committee, comprising 6 Councillors (4 Conservative and 2 Labour) with the Terms of Reference set out in Appendix 1, be appointed with effect from 27 July 2012.
- 3.3 That responsibility for "Monitoring the take-up and effectiveness of Member training" previously included in the Terms of Reference of the Standards Committee be transferred to the Councillor Training Group and that, in future, reports on proposed amendments to the Constitution be submitted directly to the full Council for approval, except for changes to Financial Regulations, which is an Audit Committee responsibility.
- 3.4 That, no Special Responsibility Allowance be paid to the Chairman of the new Standards Committee pending the next review by the Independent Remuneration Panel in December 2012 but, that any payment subsequently agreed by the Council following a recommendation from the Panel be back dated to 27 July 2012, if so desired.

- 3.5** That Mr John Shaw, Mr Anthony Egerton and Mr Robert Jones be appointed to the role of Independent Member, as described in Appendix 2 until a longer term appointment is made or, until 30 June 2013 at the latest, and that the Monitoring Officer be authorised to consult with one of them when considering any complaint alleging a potential breach of the Council's Code of Conduct.
- 3.6** That Part 1 and 2 of the Code of Conduct for Wyre approved by the Council on 14 June be retained in its current form and that the Monitoring Officer be instructed to draft proposed amendments to the Council's Procedure Rules relating to the disclosure of interests at meetings and submit them to the next Council meeting for approval.
- 3.7** That the Council decides whether or not to specify, in an additional Part 3 of the Code of Conduct, that Councillors are also required to Register any of the following "other" interests:
- (a) Details of any body they are a member of or in a position of general control or management and to which they are appointed or nominated by the Council;
  - (b) Details of any gift or hospitality with an estimated value of at least £50 that they had received in connection with their role as a Member of the Council, and details of the donor.
  - (c) Details of any body exercising function of a public nature, any body directed to charitable purposes or any body whose purposes includes the influence of public opinion or policy (including any political party or trade union) of which they are a member or in a position of general control or management.
- 3.8** That the local process for consideration of misconduct complaints, as set out in Appendix 5 of this report, be approved and implemented with immediate effect and that the Monitoring Officer be authorised to prepare the necessary documentation and to make the required practical arrangements for its implementation.
- 3.9** That authority be delegated to the Monitoring Officer and the Deputy Monitoring Officer to administer the process concerning misconduct complaints and to take the actions listed in paragraph 5.23 and included in Appendix 4.
- 3.10** Arrangements for parishes referred to in paragraph 5.27 and 5.28 of this report be noted.
- 3.11** That the Monitoring Officer be requested to arrange training on the new arrangements for Wyre Councillors and Parish and Town Clerks.
- 3.12** That the Corporate Director of Resources be authorised to update the Constitution to reflect the changes agreed by the Council.

## **4. Background**

- 4.1** A first report referring to the new ethical standards arrangements introduced by the Localism Act 2011 was submitted to the Council meeting on 26 April 2012. The new arrangements were also referred to in the report to the Annual Council meeting on 10 May, when the current Standards Committee was reappointed with its existing role and membership until 30 June 2012. A further report was submitted to the Council meeting on 14 June when a new Code of Conduct for Wyre, based upon a model issued by the Department for Communities and Local Government, was adopted.
- 4.2** Since the report to the June meeting was prepared, Regulations have been made by Parliament and further information has been obtained from various sources. The remaining key issues to be considered by the Council and on which decisions are required are set out below.
- 4.3** The implementation of the new arrangements has been discussed at length by the Council's current Standards Committee in recent months and its comments and recommendations on various issues are referred to below.

## **5. Key Issues and Proposals**

### **(a) Role and Membership of the Standards Committee**

- 5.1** At the Annual Meeting on 10 May, the Council reappointed the existing Standards Committee, with its current membership and terms of reference until 30 June. On 14 June that arrangement was extended until this meeting.
- 5.2** As explained in the earlier reports, the previous requirement to have a Standards Committee with a specified number of independent members and a specified number of Parish Council representatives, which was embodied in Section 55 of the Local government Act 2000, has now ceased. However, under the Localism Act, the Council still has a statutory duty to promote and maintain high standards of Member conduct. There is also still a need to deal with standards issues and case-work, including complaints about Wyre and parish and town councillors. It is proposed that a new Standards Committee should now be established to perform these functions. It has to be a "normal" committee of the Council, without the unique features which were conferred by the previous legislation. As a consequence, the composition of the Committee is governed by the proportionality rules and the present restriction to only one Cabinet Member has ceased to apply.
- 5.3** The current independent members will also cease to hold office. The new Independent Persons will be invited to attend meetings of the Standards Committee when appropriate, but will not be co-opted members. Parish members could be co-opted onto the new Standards

Committee, but only in an advisory role, without voting rights.

- 5.4** The current Standards Committee has expressed concern about the loss of an independent and a parish perspective which they feel will result from the change in composition of the Committee. The Committee is particularly concerned about the lack of any parish council representatives at hearings of misconduct allegations about a parish councillor. (The current Parish representatives do not feel that Wyre Councillors who are also parish members can perform that role in the same way). Nevertheless, the current committee does not advocate the option of appointing co-opted parish representatives in an advisory capacity, without voting rights.
- 5.5** It is therefore proposed that a smaller Standards Committee, comprising six Councillors, four Conservative and two Labour, be appointed. (Nominations from the Party Groups will be reported at the Council meeting). At the moment, the volume of work and the level of responsibility that will be involved in chairing the new committee are uncertain. It is therefore proposed that no Special Responsibility Allowance (SRA) be paid to the person elected to that position until the Independent Remuneration Panel (IRP) has had an opportunity, when it meets in December 2012, to review the role in comparison with others for which an SRA is paid. Any SRA subsequently agreed by the Council, following consideration of a recommendation from the Panel, could be back-dated, if so required.
- 5.6** The role of the current Standards Committee is not confined to Code of Conduct and Standards issues, but includes responsibility for monitoring and reviewing the Constitution, monitoring the effectiveness of member training and reviewing member protocols. It is considered that these wider issues are not appropriate for the new smaller Standards Committee. It is therefore proposed that responsibility for Councillor training issues be transferred to the Councillor Training Group and that, in future, reports on proposed amendments to the Constitution be submitted directly to the full Council for approval. It is proposed that the new Committee will maintain responsibility for monitoring and review Member Protocols included in Part 5 of the Constitution. An amended version of Article 11 of the Constitution, setting out revised terms of reference for the new Standards Committee, is attached as Appendix 1
- (b) Independent Persons
- 5.7** The new local standards arrangements must include provision for the appointment of at least one Independent Person. The role to be performed by such a person is set out in Appendix 2. Arrangements for the recruitment of an Independent Person and up to two reserves were initially approved by the Council on 26 April. Information about the role was subsequently published on the Council's web site and details were sent to a large number of local community and voluntary groups but, no applications have, so far, been received.

- 5.8** However, contrary to previous indications, the Regulations on transitional arrangements made in June by the Secretary of State for Communities and Local Government, now provide for existing independent members to be appointed to the new Independent Person role for a period of up to 12 months.
- 5.9** The three independent members of the current Standards Committee, Mr John Shaw, Mr Anthony Egerton and Mr Robert Jones have each said that they are willing to make themselves available to undertake the new role on an interim basis, if requested to do so. There are obviously some benefits in retaining the experience and expertise of these individuals until a longer term appointment can be made. There are also practical advantages in having two or three people to call upon to perform the duties required under the new procedures.
- 5.10** The Standards Committee, at its meeting on 28 June, resolved to recommend the Council to appoint Mr Shaw, Mr Egerton and Mr Jones to the role of Independent Person until a longer term appointment is made by the Council or, until 30 June 2013 at the latest and to authorise the Monitoring Officer to make arrangements to consult with one of them on each misconduct complaint received. The appointment of independent persons must be approved by a positive vote of a majority of all members of the Council, not just those present and voting.
- (c) Part 1 of the Code of Conduct: General Principles
- 5.11** On 14 June the Council adopted a new local Code of Conduct for Wyre, based on illustrative text issued by the Department for Communities and Local Government, which is attached as Appendix 3.
- 5.12** The first part of the new Code deals with general principles of expected behaviour, which must include the following:
- Selflessness
  - Integrity
  - Objectivity
  - Accountability
  - Openness
  - Honesty
  - Leadership.
- 5.13** No changes are proposed to this part of the Code.
- (d) Part 2 of the Code of Conduct: Clarification of Requirements to Register and Declare Disclosable Pecuniary Interests (DPI's)
- 5.14** Part 2 of the new code deals with the requirement to register and declare "disclosable pecuniary interests", where failure to do so will be a criminal offence. The first paragraph of Part 2 the Code adopted by the Council on 14 June (Appendix 3) simply requires members to notify the

Monitoring Officer of:

*“any disclosable interest as defined by Regulations made by the Secretary of State”.*

**5.15** Since that version was drafted the Regulations have been made and various issues have emerged, particularly with regard to rules relating to speaking at meetings. However, rather than make changes to Part 2 of the Code of Conduct, it is intended that amendments will be made to the Council’s Procedure Rules in order to clarify any ambiguities and to provide clear direction to Councillors. Areas where uncertainty exists, or where changes to the existing Procedure Rules are required, include:

- the circumstances in which Members with an interest can speak at a meeting (the Localism Act prohibits members with a DPI from making representations, but members with ‘other’ interests could be permitted to speak before withdrawing);
- whether or not Members with an interest should be required to leave the room in which a meeting is taking place;
- whether all interests should be declared at a meeting or only interests not already included on the Register of Interests;
- whether or not Members should be required to update their Register of Interests between elections.

A report on these items will be submitted to the next meeting of Council.

(e) “Other” local interests

**5.16** The second paragraph of Part 2 of the Code approved by the Council on 14 June, requires Councillors, in addition to registering “disclosable pecuniary interests” as defined in the Regulations, to also:

*“notify the Monitoring Officer of any other “pecuniary or non-pecuniary interest which the Council has decided should be included in the register”*

The Council now needs to decide whether or not to specify any such “other” interests, covering more general issues of public notice and potential conflicts of interest. Failure to disclose these interests would not be a criminal offence but, could provide grounds for a challenge to a decision and complaints against individual councillors.

**5.17** Having considered the Regulations and arrangements made by a number of other Council’s, the Standards Committee, at its meeting on 28 June, unanimously agreed to recommend the Council to require Councillors to also Register the following “other“ interests:

- Details of any body of which they are a member or in a position of general control or management and to which they are appointed or nominated by the Council;
- Details of any gift or hospitality with an estimated value of at least £50 that they had received in connection with their role as a Member

of the Council, and details of the donor.

**5.18** The Standards Committee also recommended, although not unanimously, that the Council should add to its Code of Conduct a requirement to register:

- Details of any body exercising functions of a public nature, any body directed to charitable purposes or any body whose purposes includes the influence of public opinion or policy (including any political party or trade union) of which they are a member or in a position of general control or management.

**5.19** The alternative view, put forward by a minority of the members of the Standards Committee, was that Members should not be required to register membership of such bodies in advance but, should only need to declare such interests at a meeting when necessary. Such an arrangement, it is argued, would be more in keeping with the intentions of moving to simpler and less restrictive new standards arrangements.

**5.20** Apart from Councillors registerable interests there may be other interests, whether they be financial or otherwise which should be declared at the beginning of the meeting. Depending on the significance of these other interests members will need to consider whether their continued participation in the matter would be appropriate in the circumstances, particularly if the interests may give rise to a perception of a conflict of interests in the matter under discussion. These issues will be addressed in the report to the next Council meeting on proposed changes to Procedure Rules.

(f) Local Process for considering misconduct complaints

**5.21** The Localism Act requires the Council to adopt “arrangements” for dealing with complaints of potential breach of Code of Conduct by Council members and co-opted members and such complaints can only be dealt with in accordance with such arrangements. Therefore, the process for dealing with complaints of misconduct and the actions which may be taken against a member who is found to have failed to comply with the Council’s Code of Conduct must be set out in some detail. However, the Act repeals the requirements for separate Initial Assessment, Review and Consideration/Hearings Sub-Committees/Panels and enables greater discretion to be given to the Monitoring Officer.

**5.22** A possible four stage process, which has been adapted and simplified from the current arrangements, is set out in Appendix 5. The best elements of the previous process have been adapted to make it quicker, simpler and more flexible. It is anticipated that the proposed delegation to the Monitoring Officer and the ability to resolve issues at any stage in the process will mean that only a small number of cases are likely to go through the full four stage process. The current Standards Committee has considered the proposed arrangements and has recommended that they be adopted by the Council.

**5.23** To enable the proposed process set out in Appendix 4 to be implemented, it is proposed that the Monitoring Officer and, in his/her absence the Deputy Monitoring Officer, be given delegated authority, following consultation with the Independent Person, to decide:

- To dismiss without further action any complaint which he/she considers to be frivolous, vexatious, without merit or which otherwise fails to meet the preliminary tests set out in the Council's process;
- That the complaint does not warrant a formal investigation and that an informal resolution be sought;
- That the complaint appears to amount to a breach of the Code of Conduct and arrange for an investigation to be carried out, with the outcome to be reported to the Standards Committee.
- At the direction of the Standards Committee, when following an investigation a breach of the Code of Conduct is found, to agree a local resolution, in consultation with the Independent Person, subject to the complainant being satisfied with the outcome, and subject to a summary report to the Standards Committee.

**5.24** The Act does not give the Council or its Standards Committee any powers to impose sanctions, such as suspension or an apology from members. So, where a failure to comply with the Code of Conduct is found, the range of actions which the Authority can take in respect of the Member is limited as follows:

- a) reporting its findings to Council for information (in effect "naming" and "shaming");
- b) recommending to the Member's Group Leader (or in the case of an un-grouped member, recommending to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council, either for a specified period or until the next Annual Meeting of the Council when seats on Committees would next be allocated;
- c) recommending to the Leader of the Council that the Member be removed from the Cabinet, or relieved of particular Portfolio Holder responsibilities (in some circumstances this might be for a limited period of time);
- d) instructing the Monitoring Officer to request the member to attend training;
- e) recommending Group Leaders to remove the member from all outside appointments to which he/she has been appointed or nominated by the Council;

f) withdrawing facilities provided to the Member by the Council, such as a computer and/or email and Internet access for a specified period of time; or

g) excluding, for a specified period of time, the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

**5.25** There is no requirement to put in place any appeals mechanism against such decisions. The decision would be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the authority had no power to impose.

(g) Training

**5.26** When the proposals in this report have been considered by the Council the Monitoring Officer will arrange training for Wyre Councillors, and Parish and Town Clerks.

(h) Parishes

**5.27** All Parish and Town Councils are required by the Localism Act to adopt their own Code of Conduct. Wyre's Monitoring Officer and Wyre's Standards Committee undertake their respective roles for all Parish and Town Councils within the Borough. However, Parish and Town Councils are not obliged to implement any recommendations they make following consideration of a misconduct complaint.

**5.28** The Wyre Branch of the Lancashire Association of Local Councils (LALC) has urged all the Parish and Town Councils in Wyre to adopt the Wyre Borough Council Code of Conduct, with slight amendments to relate to their respective parish councils. Six of the parishes are known to have so far formally adopted the code and another is expected to do so imminently. It is hoped that the other parish councils in the District will adopt the same code. LALC has also written to each of the Parishes, as follows:

*"As you are all aware we are Representatives of the local communities and guardians of public money. Councillors will, we are sure, wish to demonstrate the highest levels of probity and conduct to their residents. Councillors are therefore urged to promote public confidence, not only by adopting the new Code of Conduct but, also, by agreeing to abide by the findings of any investigation into a complaint that a councillor has breached the code and further, to abide by any recommendations by the Monitoring Officer as a result of that investigation."*

<b>IMPLICATIONS</b>	
Finance	It is difficult to assess the financial implications of the new arrangements at this stage. The possible payment of a Special Responsibility Allowance to the Chairman of the new Standards Committee will be considered following a review by the Independent Remuneration Panel.
Legal	The proposals in this report will enable the Council to comply with the requirements of the Localism Act 2011 and the regulations made under that Act.
Community Safety	None arising directly from this report.
Equality and Diversity	None arising directly from this report.
Sustainability	The proposals made in this report are considered to be sustainable.
Health and Safety	None arising directly from this report.
Risk Management	The approval of the recommendations in this report will enable robust arrangements to be put in place to promote high standards of Member behaviour and to minimise the risk of loss public confidence or damage to the Council's reputation.
Asset Management	None arising directly from this report.
Climate Change	None arising directly from this report.

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<b>List of Background Papers:</b>		
Name of Document	Date	Where available for inspection
None	-	-

## **LIST OF APPENDICES**

- Appendix 1 Proposed Terms of reference for the new Standards Committee
- Appendix 2 Role of the Independent Persons
- Appendix 3 Code of Conduct for Wyre adopted by Council on 14 June 2012
- Appendix 4 Diagram of proposed process for dealing with allegations of breaches of the Code of Conduct

## Article 11 - The Standards Committee

### **11.01 Standards Committee**

The Council will appoint a Standards Committee.

### **11.02 Composition**

#### (a) Membership

The Standards Committee will be composed of:

- At least six Councillors (other than the Leader), (with places allocated in accordance with the political balance requirements set out in Section 15 of the Local Government and Housing Act 1989).
- Three people who are not Councillors or Officers of the Council or any other body having a Standards Committee (Independent Members). Each Independent Member will be appointed for a period of office of four years (commencing on the date of their appointment) and will be restricted to a maximum of 2 terms of office unless, in the event of recruitment problems being experienced, the Council agrees to extend the term of office for a specified period.
- Three Members of a Parish Council wholly or mainly in the Council's area (Parish Members) to be nominated by the Lancashire Association of Parish and Town Council's

#### (b) Independent Members

Independent Members will be entitled to vote at meetings.

#### (c) Parish Members

At least one Parish Member must be present when matters relating to those Parish Councils or their Members are being considered.

#### (d) Chairing the Committee

The Committee will be chaired by an Independent Member. A Chairman will be elected at the first meeting of the Committee in each Council Year. Each Independent Member will be restricted to a maximum of two consecutive years as Chairman.

### **11.03 Role and Function**

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members;

- (b) assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Borough Councillors, Parish Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) ~~to considering, determineing and takeing decisions on allegations that individual councillors have breached the Councillors Code of Conduct, in accordance with the procedures agreed by the Council for dealing with such allegations.~~
- ~~appointing Panels of its Members, in accordance with the Regulations currently in place, to:~~
- ~~— consider allegations of misconduct against a Councillor;~~
  - ~~— deciding whether or not an allegation of misconduct should be investigated;~~
  - ~~— following an investigation (either by the Standards Board for England or locally) to conduct a local hearing;~~
  - ~~— if considered necessary, imposing an appropriate sanction or referring the case to the Standards Board for England to impose a sanction;~~
  - ~~– deal with an appeal at any stage in the process.~~
- (h) the exercise of (a) to (g) above in relation to the Parish and Town Councils wholly or mainly in ~~its the Borough of Wyre~~ area and the Members of those Parish and Town Councils.
- (i) ~~monitoring and reviewing the operation of the Constitution (apart from the Council's Financial Regulations and Financial Procedure Rules, for which the Audit Committee is responsible).~~
- (j) ~~monitoring the take-up and effectiveness of Member training, including consideration of periodic reports from the Member Training and Development Group.~~
- (k) monitoring and reviewing any Codes or Protocols relating to Members ~~(including Use of I.T. equipment, Members involvement in the Planning process and receipt of Gifts and Hospitality).~~included in Part 5 of the Council's Constitution.
- (l) investigating any allegations of breaches of Member Protocols and, where appropriate, considering the withdrawal of any privileges or facilities provided under that protocol from the Member(s) who has breached it to ensure the "proper administration of the Council".

**NEW ETHICAL STANDARDS ARRANGEMENTS**

**Role of the Independent Person**

The role of the Independent Person will be:-

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of Wyre Council and town and parish councillors within the Wyre 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 by the Council through the Monitoring Officer and/or the Standards Committee before it makes a decision on an investigated allegation and to be available to attend meetings of the Hearing Panel of the Standards Committee for this purpose.
3. To be available for consultation by the Monitoring Officer and/or the Standards Committee before a decision is taken whether or not to investigate a complaint or to seek a resolution of the complaint.
4. To be available for consultation by any elected member, including town and parish councillors, who is the subject of a standards complaint.
5. To develop a sound understanding of the ethical framework as it operates within Wyre Council and its town and parish councils.
6. To attend training events organised and promoted by the Council's Standards Committee.
7. To act as advocate and ambassador for the Council in promoting ethical behaviour.

**Skills and Competencies Required**

The independent person the Council wishes to appoint to this role will have a range of skills and competencies, including:-

- an interest in standards in public life;
- an awareness of the importance of ethical behaviours;
- a wish to serve the local community and uphold local democracy;
- the ability to be objective, independent and impartial;
- good analytical skills and an ability to demonstrate clarity of thought, assimilate information quickly and arrive at balanced judgements.
- an understanding of the need to comply with confidentiality requirements;
- a demonstrable interest in local issues;
- an ability to communicate clearly, verbally and in writing with various people and in a variety of different situations.
- tact and diplomacy in handling sensitive matters.

Ideally, that person will also have:-

- some knowledge and/or 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.

The person appointed will need to be contactable during normal working hours by telephone or by e-mail and be available to attend meetings of the Standards Committee, which are generally held in the early evening, and hearings which may held in the day time.

**COUNCILLORS CODE OF CONDUCT ADOPTED BY COUNCIL ON 14 JUNE, 2012**

**Part 1: General Provisions and Obligations**

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

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

- You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
- You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in Part 2 below.
- You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

## **Part 2: Registering and declaring pecuniary and non-pecuniary interests**

You must, within 28 days of taking office as an elected member or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by Regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify the Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which the Council has decided should be included in the register.

If an interest has not been entered onto the Council's register, then you must disclose the interest to any meeting of the authority at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.<sup>1</sup>

Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by Regulations made by the Secretary of State. Additionally, you must observe any restrictions, the Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by the Council.<sup>2</sup>

Arm/ex/cou/cr/12/2607 Appendix 3

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

<sup>2</sup> Any possible local restrictions will be considered by the Council when Regulations have been made by the Secretary of State.

Complaints Procedure Flowchart

