

# REPORT TO COUNCIL

REPORT OF: THE STANDARDS COMMITTEE

REPORT NO: LEG 005

DATE: 6<sup>TH</sup> SEPTEMBER 2007

<b>TITLE:</b>	<b>MEMBERS CODE OF CONDUCT</b>
<b>FORWARD PLAN ITEM:</b>	N/A
<b>DATE WHEN FIRST APPEARED IN FORWARD PLAN:</b>	N/A
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A

<b>COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:</b>	Councillor Paul Carpenter	
<b>CORPORATE PRIORITY:</b>	Corporate Governance	
<b>CRIME AND DISORDER IMPLICATIONS:</b>	N/A	
<b>FREEDOM OF INFORMATION ACT IMPLICATIONS:</b>	Unless exempt, this report is a public document and available from the Council's website at <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>INITIAL EQUALITY IMPACT ASSESSMENT</b>	<b>Carried out and appended to report?</b>  <b>Not Applicable</b>	<b>Full impact assessment required?</b>  <b>No</b>
<b>BACKGROUND PAPERS:</b>	Report to Standards Committee - DLS0095 – 23 <sup>rd</sup> February 2007 Report to Council – DLS0099 - 17 <sup>th</sup> May 2007 Report to Standards Committee – LEG 003 – 6 <sup>TH</sup> July 2007	

## **1. INTRODUCTION**

- 1.1 The Council is required under the Local Authorities (Model Code of Conduct) Order 2007 to adopt a revised members' code of conduct before 1st October 2007 ("the 2007 Order"). This Order prescribes a mandatory model code of conduct for adoption.
- 1.2 It is a function of the Standards Committee of this Council to advise this Council on the adoption and review of the Members' Code of Conduct.
- 1.3 The Standards Committee considered the mandatory provisions of the model members' code of conduct at its meeting on the 6<sup>th</sup> July 2007. The body of the report on the code of conduct made to the Standards Committee is attached for information at **appendix 1**. The Code of Conduct proposed for adoption together with a preamble by way of introduction detailing the 10 principles derived from the 7 principles of public life recommended by the Nolan Committee is attached to this report at **appendix 2**
- 1.4 Members have received with this report, a copy of the Standards Board for England Code of Conduct Members Guide.

## **2. RECOMMENDATIONS**

- 2.1 **The Standards Committee recommends this Council adopts the mandatory provisions of the model code of conduct without revision to be this Council's Members' Code of Conduct with the addition of the preamble to that code setting out the 10 principles in the form attached to this report as set out at appendix 2**

## **3. DETAILS OF REPORT**

- 3.1 All the provisions detailed in the proposed Members' Code of Conduct are mandatory provisions save for the preamble and the 10 principles. The form of the Members Code as detailed at **appendix 2**, if adopted, will be the Code which will appear in the Constitution.
- 3.2 All members will be required to give an undertaking to observe the Code as revised and register interests in accordance with clause 13 (1) of that Code subject to the provisions at clause 14 relating to sensitive information. These provisions relating to registration of interests are as before and must be made within 28 days of adoption of the Code. Provided there has been no change to a member's interests since registration on election in May of this year, it will be possible to register as declared at that time. The form for registration under the 2007 Order will be supplied to members on adoption of the Members' Code.

- 3.3 Following adoption, the Monitoring Officer will notify the Standards Board for England and advertise the adoption by way of notice in local newspapers. Parish and Town Councils within the District, which are also obliged to adopt the model code of conduct, have been advised the Council will advertise their Council's adoption with a combined notice provided the Monitoring Officer is notified of the adoption.
- 3.4 It is proposed that full training for Members on the Members' Code of Conduct to be adopted be given in due course.

#### **4. OTHER OPTIONS CONSIDERED AND ASSESSED**

- 4.1 There is no other option available other than to adopt a revised code of conduct in accordance with the 2007 Order. If the Council fails to adopt a revised code, the mandatory model code will be deemed to apply and be enforced in any event by the Standards Board for England.
- 4.2 Whilst it would have been possible to make amendment to the model code, Council's are advised by the Standards Board for England to adopt the model code as drafted without further revision to ensure consistency throughout all authorities and to avoid confusion for members of more than one authority and the public. Any amendment would have to be approved by the Standards Board for England. No amendments have been proposed since the introduction of the consultation period when reported to Standards Committee in February 2007.
- 4.3 Members have had opportunity to comment on the provisions of the code during the statutory consultation period and consideration of the model code at Standards Committee on the 6<sup>th</sup> July 2007.

#### **5. COMMENTS OF SECTION 151 OFFICER**

The adoption of the code as proposed has only minor financial implications for the Council relating to the cost of advertising.

#### **6. COMMENTS OF MONITORING OFFICER**

Details of the model code of conduct proposed for adoption are given by the Monitoring officer in her report to Standards Committee on the 6<sup>th</sup> July 2007 as set out at **appendix 2** attached.

#### **7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

None

#### **8. CONCLUSION/SUMMARY**

As the recommendation

## **9. CONTACT OFFICER**

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## **APPENDIX 1**

### **REPORT TO STANDARDS COMMITTEE**

REPORT OF: LUCY YOULES  
LEGAL SERVICES MANAGER (MONITORING OFFICER)

REPORT NO. LEG003

DATE: 6 JULY 2007

<b>TITLE:</b>	<b>ADOPTION OF THE NEW MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS</b>
<b>FORWARD PLAN ITEM:</b>	N/A
<b>DATE WHEN FIRST APPEARED IN FORWARD PLAN:</b>	N/A
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A

<b>COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:</b>	COUNCILOR PAUL CARPENTER
<b>CORPORATE PRIORITY:</b>	CORPORATE GOVERNANCE
<b>CRIME AND DISORDER IMPLICATIONS:</b>	N/A
<b>FREEDOM OF INFORMATION ACT IMPLICATIONS:</b>	UNLESS EXEMPT, THIS REPORT IS A PUBLIC DOCUMENT AND AVAILABLE FROM THE COUNCIL'S WEBSITE <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>
<b>THE INITIAL EQUALITY IMPACT ASSESSMENT</b>	N/A
<b>FULL IMPACT ASSESSMENT REQUIRED</b>	NO
<b>BACKGROUND PAPERS:</b>	Report to Standard Committee LEG 003 and Local Authority's Model Members Code of Conduct

## **1. INTRODUCTION**

- 1.1 Following consultation on the form of a new model Local Authority members' Code of Conduct, a new Code of Conduct was enacted for approval by statutory regulation on 3 May 2007. The new model Code is attached at appendix 1. The statutory regulation permitted a transition period between 3 May 2007 to 1 October 2007 to allow Local Authorities to formally adopt the new model Code of Conduct. Accordingly, this new Code of Conduct must be adopted by the Council before the deadline given of 1 October 2007.
- 1.2 The purpose of this report is to confirm the terms of the new model Code of Conduct to the members of the Standards Committee to enable the Standards Committee to consider the new code and report it to the meeting of the Council set for 6 September 2007 for formal adoption at that meeting.
- 1.3 The Standards Committee must also consider the assistance it can offer to all Parish and Town Councils in the district in respect of each individual Parish and Town Councils adoption of the new code.
- 1.4 The Standards Board for England recommends that the Code of Conduct be adopted in its model form without amendment. This is to ensure consistency throughout Local Authorities and to avoid confusion for members and for the public. It is important to note that new provisions in the new model Code of Conduct to make representations, and answer questions and give evidence like a member of the public when a prejudicial interest exists is not a mandatory provision for Parish and Town Councils. Parish and Town Councils, when adopting the new code will only be able to rely on this provision provided this part of the code is specifically adopted by them.
- 1.5 The new model code does not include the ten general principles governing the conduct of members of local authorities. These ten general principles are set out at Appendix 2 to this report. The Standards Board for England recommend that each authority include a preamble to its code to be adopted, which outlines these principles. Whilst the principles do not create a statutory obligation for members, failure to act in accordance with the general principles may amount to a breach of the code in that any conduct in breach of these codes could reasonably be regarded as bringing members' office or authority into disrepute in accordance with paragraph 5 of the Code of Conduct.
- 1.6 On adoption, each local authority will be obliged to send notification of the adoption to the Standard Board for England, make copies available for inspection by the public and publish a notice in the local newspaper stating that the new code has been adopted. It will be permissible for the District Council to organise a combined notice for all councils in its area. To assist Parish and Town Councils, it is proposed that the Monitoring Officer coordinate a combined notice and request that Parish Clerks notify the Monitoring Officer with details of adoption and publication to produce a combined notice to be published in local newspapers within the district.

## **2. RECOMMENDATION**

- 2.1 The Monitoring Officer is advised to write to all Town and Parish Councils within the district to confirm the District Councils' requirements in respect of a publication of a combined notice.
- 2.2 The Standards Committee approve the addition of a preamble to the code setting out the 10 principles detailed at appendix 2 of this report
- 2.3 The Standards Committee consider the adoption of the model Code of Conduct without amendment and recommend to Full Council that the model Code of Conduct without amendment be adopted as the Members' Code of Conduct for the District Council.

## **3. DETAIL OF THE NEW MODEL CODE OF CONDUCT**

- 3.1 Many elements of the new code remain as the previous adopted Code of Conduct. There is no change to the general obligations relating to:-

- Treating others with respect – paragraph 3(1)
- Comprising the impartiality of officers of the Authority – paragraph 3(2)(d)
- Preventing access to information – paragraph 4(b)
- Using your position improperly – paragraph 6(a)

- 3.2 General obligations that are new or have changed in the new mode Code are as follows:-

- Complying with equality (antidiscrimination laws)

The previous Code provided for members to promote equality by not discriminating unlawfully. The obligation under the new code is to not do anything that may cause an authority to breach any of the "equality enactments". This covers equal pay, sex discrimination, race discrimination, disability discrimination, disability discrimination, sexual orientation, religion or belief and age.

- Bullying and intimidation

This need not be a pattern of behaviour and can relate to a single incident. A working definition of "bullying and intimidation" has been given as "offensive intimidating, malicious, insulting or humiliating behaviour based on abuse or misuse of power or authority which attempts to undermine an individual or a group." Guidance from the Standards Board of England is expected to clarify the bullying and intimidation issue.

- Disclosing Confidential Information

Members must not disclose confidential information except where they have consent or are required to by law, the disclosure is made to a third party to obtain professional advice or disclosure is reasonable, in the public interest, made in good faith and complies with any reasonable requirements of the Authority.

- Disrepute and Scope of the Code

The new Code will currently apply to members acting in their official capacity only. It is proposed with the future enactment of the Local Government and Public Involvement in Health Bill that the Code will apply where criminal activity has been committed in a private capacity.

- Using the Authority's Resources

Resources cannot be used for political purposes including party political purposes. This is stricter than the provision in the previous Code, which allowed use of resources for those purposes where it was conducive for the discharge of the functions of the Authority.

- Considering advice provided to you and providing reasons

Previously, members had to have regard to advice that was given under limited statutory duties. The new model Code requires members to have regard to advice given under any statutory duty and also for members to give reasons for the decisions as to whether or not that advice will be followed.

### 3.3 The new Code has amended the provisions relating to personal and prejudicial interest.

#### (a) Personal Interest

There are now two sorts of personal interest, which must be declared. These are-

- Those registered.
- Where the wellbeing or financial position of "relevant persons" is likely to be affected by the business of your authority more than would affect the majority of people living in the ward affected by the decision.

In respect of members of the District Council, members must now only consider the affect on the majority of people living in the ward rather than as previously in the whole district. This amended provision does not assist Parish Councils where no ward exists and the application of the provision relating to personal interest applies to the whole area of the Parish.

An exemption to the declaration of personal interests known as the Public Body Exemption now applies whereby you only need to make a declaration of that personal interest if you intend to speak on the issue if your personal interest relates to your membership of another public body. In addition, there is now no requirement to reveal sensitive information relating to a disclosure of an interest. Sensitive information is information, which if given, may create a serious risk to the member, or to a person living with you and the Monitoring Officer agrees that you do not have to register that interest. The new model Code now applies to personal interests which you ought to know about. It is important to note that gifts and hospitalities that have been registered by a member must now be declared as a personal interest.

(b) Prejudicial Interests

Provision relating to prejudicial interest have also changed under the new model Code. Prejudicial interests are defined as personal interests, which a member of the public who knows the relevant facts would reasonably think, are so significant that they would be likely to prejudice that members judgment of the public interest.. When considering whether or not you have a prejudicial interest, there are four questions that you need to ask:-

- Is there a personal interest?
- If so, does it fall within one of the exempt categories of decisions?
- If not, does it relate to the financial position of the interest
- or relate to deciding a regulatory matter?
- If so, what is the result of applying the general test detailed above?

Paragraph 12(2) of the new Code introduces the right for members who have a prejudicial interest to attend a meeting to make representations, answer questions or give evidence in respect of that interest **if** the public have the same right to do so for the same purpose. Members do not then have the same right to stay once those representations have been made. Members must leave the meeting and not take part in the vote. This provision is not mandatory for Parish Councils. If Parish Councils wish to take advantage of this provision, they must specifically adopt the provision when adopting the new Code. Even so, if a member has a prejudicial interest, it will not be possible for a member to exercise executive functions in relation to that business or seek to improperly influence a decision about that business. Members may still make written representations in their private capacity, use a professional representative to act on their behalf and get another member to represent the views of their constituents.

- 3.4 There is a great deal of information contained within the new model Code for members to take on board and put into practise. Further guidance is proposed by the Standards Board for England, which will be produced to the committee and members from time to time as and when it is introduced. In addition, it is proposed that further training be sourced for members in respect of the provisions of the new Code.

#### 4. CONTACT OFFICER

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## APPENDIX 2

# **SOUTH KESTEVEN DISTRICT COUNCIL MEMBERS' CODE OF CONDUCT**

(as adopted by Members of the Council at its meeting on the 6<sup>th</sup> September 2007)

## INTRODUCTION

Outlined below are the 10 general principles governing the conduct of all members of local authorities. These principles define the standards that all Members of South Kesteven District Council should uphold and serve as a reminder of the purpose of this Code of Conduct.

## **THE TEN GENERAL PRINCIPLES OF PUBLIC LIFE**

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

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

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

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

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

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

**Respect for others** – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion,

gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

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

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

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

## **SOUTH KESTEVEN DISTRICT COUNCIL**

### **MEMBERS' CODE OF CONDUCT**

#### Part 1

#### General provisions

#### **Introduction and interpretation**

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—  
"meeting" means any meeting of—
  - (a) the authority;
  - (b) the executive of the authority;
  - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;"member" includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

#### **Scope**

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
  - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority—
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **General obligations**

- 3. (1) You must treat others with respect.
- (2) You must not—
  - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be—
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation of proceedings;

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

**4.** You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

**5.** You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

**6.** You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

**7.** (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

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

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

## Part 2

### Interests

#### **Personal interests**

8. (1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

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

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial

interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

### **Disclosure of personal interests**

- 9.**
- (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
  - (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
  - (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
  - (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
  - (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
  - (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
  - (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

## **Prejudicial interest generally**

- 10.** (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
  - (c) relates to the functions of your authority in respect of—
    - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
    - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
    - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
    - (iv) an allowance, payment or indemnity given to members;
    - (v) any ceremonial honour given to members; and
    - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

## **Prejudicial interests arising in relation to overview and scrutiny committees**

- 11.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

### **Effect of prejudicial interests on participation**

- 12.** (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from your authority's standards committee;
- (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## **Part 3**

### **Registration of Members' Interests**

#### **Registration of members' interests**

- 13.** (1) Subject to paragraph 14, you must, within 28 days of—

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

### **Sensitive information**

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