

STANDARDS COMMITTEE

AGENDA

Meeting to be held in the Civic Centre (Committee Room No. 4) on Friday, 29th November, 2013 at 10.00 a.m.

Part 1

ITEM		PAGE
1.	Apologies for Absence.	-
2.	Minutes of the Meetings of the Committee held on 18th February and 12th April, 2013. (Copies herewith).	1
3.	Declarations of Interest (if any).	-
4.	DCLG Guidance – Openness and Transparency on Personal Interests Report of the Head of Law and Governance (copy herewith).	7

Local Government (Access to Information) (Variation Order) 2006

The reports contained in Part II of the Agenda are not for publication as the Sub-Committee is considered likely to exclude the public during consideration thereof as they contain information relating to individuals and information which is likely to reveal the identity of individuals (Paragraph 1 of the Local Government Act 1972, Schedule 12A, Part 1).

Part II

**This information can be made available on request in other languages.
If you require this, please telephone 0191 561 1345**

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| 5. | Minutes of the Meeting of the Committee held on 12th April, 2013 Part 11 | 27 |
| | (Copy herewith). | |
| 6. | Update on Complaints Received and Investigations Concluded | 30 |
| | Report of the Head of Law and Governance (copy herewith). | |
| 7. | Complaint Reference 01/12 | 33 |
| | Report of the Assistant Head of Law and Governance (copy herewith). | |

E. WAUGH,
Head of Law and Governance.
Civic Centre,
SUNDERLAND.

21st November, 2013.

At a meeting of the STANDARDS COMMITTEE held in the CIVIC CENTRE, SUNDERLAND on MONDAY, 18th FEBRUARY, 2013 at 4.00 p.m.

Present:-

Councillor Trueman in the Chair

Councillors M. Forbes, Macknight, Marshall, Mordey, Price, Richardson and Shattock.

Welcome

The Chairman welcomed everyone to the meeting.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Hepple and Wilkinson.

Declarations of Interest

There were no declarations of interest made.

Procedures for Dealing with Code of Conduct Complaints

The Head of Law and Governance submitted a report (copy circulated) detailing proposals for new written procedures to deal with complaints alleging breaches of the Members' Code of Conduct, together with a revised protocol for dealing with the media in relation to such complaints.

(For copy report – see original minutes).

Elaine Waugh, Head of Law and Governance presented the report outlining the key features and requesting the Committee to consider approving and adopting the new procedures and media protocol subject to any revision it required to be made.

1. RESOLVED that:-

- i) the new written procedures for dealing with complaints regarding alleged breaches of the Members' Code of Conduct as detailed in annex 2 of the report, be approved and adopted, and

- ii) approval be given to the new Media Protocol as detailed in annex 3 of the report.

Update on Assessment of Complaints

The Head of Law and Governance submitted a report (copy circulated) in respect of the above matter.

(For copy report – see original minutes).

Elaine Waugh, Head of Law and Governance presented the report advising the Committee that a complaint had been received from a member of the public to the effect that in a public forum, a Councillor had accused them of harassment. In consultation with the Independent Persons, the Head of Law and Governance had decided that no further action should be taken. It was not considered that the conduct complained about, if proven, would amount to a breach of the Code of Conduct. The Independent Persons were also of the view that the matter did not warrant investigation.

- 2. RESOLVED that the report be received and noted.

Amendment of Members' Code of Conduct / Recording of Gifts and Hospitality.

The Executive Director of Commercial and Corporate Services and Head of Law and Governance submitted a report (copy circulated) on proposed amendments to the Member's Code of Conduct in respect of the recording of gifts and hospitality.

(For copy report – see original minutes).

- 3. RESOLVED that Council be recommended to
 - i) amend the Member's Code of Conduct as set out in the Appendix to the report in order to include a requirement, to take effect from the date of amendment, for members and co-opted members to register in the Council's Register of Members' Interests, any offer of gift or hospitality with an estimated value of £50 and over and to clarify that the reference in the Code to Co-opted members is to members who are not elected members but are members of a committee or sub committee with a right to vote and;
 - ii) the Head of Law and Governance be authorised to publicise the amendment to the Code of Conduct on the Council's website

Update on the new Standards Regime and Disclosure and Registration of Interests

The Head of Law and Governance submitted a report (copy circulated) in respect of the disclosure and registration of interests under the new Standards Regime.

(For copy report – see original minutes).

Elaine Waugh, Head of Law and Governance presented the report informing Members that it had been hoped that the Department for Communities and Local Government (DCLG) would issue guidance regarding both the individual categories of interest and also the circumstances in which a member may not take part in a meeting, due to them having a disclosable pecuniary interest (DPI) in a matter under discussion.

The Committee was informed that whilst guidance had been issued by DCLG in relation to the Standards Regime it did not clearly address these matters. In the absence of further guidance it was recommended that members continue to apply the test of considering whether a reasonable member of the public, knowing the relevant facts, would consider that the member's interest is such that it could prejudice their judgement of the public interest.

In addition it was recommended that unless there was further clarity, either by way of case law or due to a change in legislation, the Council continued to apply the principle that any member with a DPI should not participate in a meeting in any capacity.

In response to an enquiry from Councillor Price, Ms Waugh stated that she would issue advice to Members regarding the implications in relation to attendance at Development Control Site Visits and lobbying by ward residents

4. RESOLVED that the report be received and noted.

Applications for Dispensations

The Head of Law and Governance submitted a report (copy circulated) in respect of the granting of dispensations to allow members to participate in any discussion or vote on a matter at a meeting where they had a disclosable pecuniary interest.

(For copy report – see original minutes).

5. RESOLVED that:-

- i) dispensations be granted to all elected members of the Council, for a period of four years from the date of this decision, to enable them to participate in any meeting of the Council, Cabinet, Committees, Sub Committees, Panels and Boards, in any of the business referred to in paragraph 8 (a) to (g) of the report, including speaking and voting, providing that where the interest of the member is such that it gives rise to any issue of bias or predetermination in respect of the business being considered, the member shall not participate in the consideration of the business; and

- ii) the Head of Law and Governance be authorised to grant dispensations in similar terms to any individual who subsequently becomes a member of the Council and who submits a written application for such a dispensation.

The Chairman thanked everyone for their attendance and contribution to the meeting.

(Signed) H. TRUEMAN
Chairman.

At a meeting of the STANDARDS COMMITTEE held in the CIVIC CENTRE, SUNDERLAND on FRIDAY, 12TH APRIL, 2013 at 10.00 am.

Present:-

Councillor H. Trueman in the Chair

Councillors Forbes, MacKnight, Marshall, Mordey, Price. D. Richardson and Shattock, together with Councillor A. R. Wilkinson (Hetton Town Council).

Also Present:-

Mrs S. Joseph (Independent Person).

Welcome and Introductions

The Chairman welcomed everyone and opened the meeting, inviting introductions around the room.

Apology for Absence

An apology for absence was submitted on behalf of Councillor G. W. K. Hepple (Hetton Town Council) and Mr. A. Atkinson (Independent Person).

Declarations of Interest

The Head of Law and Governance provided advice to the Members as to the circumstances when it would be appropriate and necessary to declare an interest.

There were no declarations of interest made.

The Head of Law and Governance advised that Eversheds LLP had been asked to present the case in order to demonstrate that consideration had been given to ensuring that the Committee was provided with independent advice.

Local Government (Access to Information) (Variation) Order 2006

At the instance of the Chairman it was: -

1. RESOLVED that in accordance with the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during consideration of

the remaining business as it contains information relating to an individual under paragraph 1 of the Local Government Act 1972, Schedule 12A, Part 1.

(Signed) H. TRUEMAN,
Chairman.

Note:-

The above minute comprises only that relating to an item during which the meeting was open to the public.

An additional minute in respect of another item is included in Part II.

REPORT TO STANDARDS COMMITTEE**29 NOVEMBER 2013****DCLG GUIDANCE – OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS****REPORT OF THE HEAD OF LAW AND GOVERNANCE****1 Introduction**

- 1.1 The purpose of this report is to advise members of Government guidance on openness and transparency on personal interests that has been updated and reissued by the Department of Communities and Local Government (DCLG) in September of this year, to include specific provision regarding trade union membership. A copy of the guidance, together with the covering letter from DCLG to authorities and also the amended “illustrative text” for a Code of Conduct, is shown in the Appendix to this report.

2 Guidance Document

- 2.1 The press release that accompanied the guidance stated that *“Government guidance on openness and transparency of a councillor’s personal interests has been revised to include specifically registering union memberships. In addition a council’s own code of conduct, guided by the 7 principles of public life, should now specify a requirement to register personal trade union interests.”* In fact, although the DCLG “illustrative text” has been amended, there is nothing in the guidance instructing authorities to change their code of conduct.
- 2.2 Members will see a number of explicit references to trade union membership in the guidance. For example, in the section under the heading *“What personal interests should be entered in my council’s or authority’s register of members’ interests?”* it is now stated that *“These interests will necessarily include your membership of any Trade Union.”* In the section under *“What must I do about registering my personal interests?”* it is stated that *“All sitting councillors need to register their declarable interests – both declarable pecuniary interests, and other interests that must be declared and registered as required by your authority’s code, or your duty to act in conformity with the Seven Principles of Public Life, such as your membership of any Trade Union.”*
- 2.3 Unlike the previous legislation, the sections of the Localism Act 2011 (the 2011 Act) that deal with the standards regime, do not empower the Secretary of State to issue statutory guidance and so these pronouncements do not have the force of law. The legal requirements regarding registration and disclosure of interests are set out in the 2011 Act and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (the Regulations). The categories of disclosable pecuniary interests (DPIs) that members must place

on the register and declare at meetings are listed in the regulations. They include *“Sponsorship...any payment or provision of any other financial benefit...in respect of any expenses incurred by [a member] in carrying out duties as a member, or towards [the member’s] election expenses.”* The Regulations expressly state that *“This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation Act) 1992.”* They do not contain any reference to union membership.

- 2.4 The Government guidance in respect of trade union membership does not therefore reflect the legislation. The guidance refers to a concept of personal interest which is only relevant if the authority’s code specifically identifies such interests as being subject to requirements regarding registration and disclosure. While authorities are required to include DPIs on their registers of interests, other than this, it is up to them which interests they include.
- 2.5 Although the Council’s Code of Conduct does not require registration of trade union membership, whenever a member attends a meeting at which the matter under consideration concerns a body of which they are a member, whether that body is a trade union, community association, charity or other body, they need to ask themselves whether any issue of bias or predetermination could arise by virtue of the subject matter under discussion. If it does, the member should make their interest known (even if it does not amount to a DPI) and leave the meeting room. Advice to this effect has been provided to members and this is the approach that is taken by them.

3 Options

- 3.1 The Committee could recommend Council to consider amending the Code of Conduct to require registration of trade union membership. However, that does beg the question as to why trade union membership should be singled out. If a provision was to be included regarding this, what about membership of other bodies such as community organisations, charities and so on?
- 3.2 Alternatively, the Code could remain in its current form and members will continue to give consideration to whether any issue of bias or predetermination may arise in respect of any matter under consideration and if so, declare that interest and leave the meeting room.

The requirement to leave the room is of course subject to the ability of members, in specific circumstances, to address a meeting. For example, in the case of planning applications, where a member of the relevant development control subcommittee has predetermined an application to which they object, provided they do not also have a DPI in the matter, they may address the subcommittee, along with any others who wish to speak on the

application and then leave the meeting room while the subcommittee deliberates.

Recommendations

- 4.1 That the Committee notes the guidance document issued by DCLG on openness and transparency on personal interests.
- 4.2 That no amendment to the Code of Conduct be proposed but that members continue to be advised to declare any interest in a matter (whether or not that interest also amounts to a DPI) that may give rise to an issue of bias or predetermination at any meeting attended by them and where appropriate, leave the room while the matter is under consideration.

Background Papers

DCLG guidance – Openness and Transparency on Personal Interests



Department for
Communities and
Local Government

Chief Executives
Principal Local Authorities in England
Greater London Authority
Fire and Rescue Authorities in England
The London Fire and Emergency Planning Authority
The Broads Authority
National Park Authorities in England
Council of the Isles of Scilly

20 September 2013

Dear Chief Executive,

**OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS:
A GUIDE FOR COUNCILLORS**

I enclose a copy of the revised plain English guide for councillors on openness and transparency on personal interests, and a copy of a revised illustrative text for a code of conduct for members and co-opted members of local authorities, both of which the Department has today published on its website.

The guide gives straightforward information about how councillors should be open and transparent about their personal interests. It has been revised with new guidance making it clear that councillors should treat Trade Union membership as a personal, non-pecuniary interest. The illustrative code has been revised to reflect the same guidance.

Where a councillor is sponsored by a Trade Union, this constitutes a disclosable pecuniary interest and as such must be registered and declared. The guide now makes it clear that membership of a Trade Union constitutes a personal interest which should be registered and declared. The Government believes that this new guidance will give local people the confidence that their councillors are putting residents' interests before their own and before those of any particular group. I should be grateful if you would please draw the guide and this correspondence to the attention of your monitoring officer.

Yours sincerely

Paul Rowsell

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Department for
Communities and
Local Government

Openness and transparency on personal interests

A guide for councillors

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The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011¹.

Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.²

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority
- the Broads Authority

¹ The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

² The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.³

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

As explained in the following section, your registration of personal interests should be guided by your duty to act in conformity with the seven principles of public life. You should ensure that you register all personal interests that conformity with the seven principles requires. These interests will necessarily include your membership of any Trade Union.

What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that 'Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in

³ <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships.**⁴.

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests – both declarable pecuniary interests, and other interests that must be declared and registered as required by your authority's code, or your duty to act in conformity with the Seven Principles of Public Life, such as your membership of any Trade Union. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose⁵ this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider

⁴ <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

⁵ If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

financial interests they might have (for example trust funds, investments, and assets including land and property).

Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests or your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district of borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

Do I need a dispensation to take part in the business of setting council tax or a precept?

Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.

If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

Annex A

Description of Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your 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. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either –
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - 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 you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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

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

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

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

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

You must declare any private interests, both pecuniary and non-pecuniary, including your membership of any Trade Union, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Registering and declaring pecuniary and non-pecuniary interests

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

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register or which you consider should be included if you are to fulfil your duty to act in conformity with the Seven Principles of Public Life. These non-pecuniary interests will necessarily include your membership of any Trade Union.

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

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

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

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

