



Notice of a public meeting of the

Joint Standards Committee

To: Councillors Carol Runciman (Chair), Barton, Scott and Taylor (City of York Councillors)
Cllrs Crawford, Martin (Vice-Chair) and Simpson (Parish Council Members)
Mrs Bainton (Interim Independent Member), Mr Dixon (Interim Independent Member), Mr Hall (Interim Independent Person) and Mr Laverick (Independent Person)

Date: Wednesday, 17 April 2013

Time: 3.00 pm

Venue: Green Room (SO15), West Offices, Station Rise, York

AGENDA

1. **Declarations of Interest**

At this point, Members are asked to declare:

- Any personal interests not included on the Register of Interests
- Any prejudicial interests or
- Any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes**

(Pages 3 - 12)

To approve and sign the minutes of the meeting of the Joint Standards Committee held on 20 February 2013.

3. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak, regarding an item on the agenda or an issue within the remit of the Joint Standards Committee, may do so. The deadline for registering is **5:00 pm on Tuesday 16 April 2013**.

4. Attendance by Representatives of Parish Councils

Parish Council representatives have been invited to attend the meeting to discuss issues relating to the new standards regime. This item will provide an opportunity for discussion to identify any issues relating to monitoring standards of conduct that they may wish the Committee to address or any support that the Committee might be able to provide for Parishes. It will also provide an opportunity for the Committee to feed back any emerging issues that it has identified.

5. Member Officer Protocol (Pages 13 - 34)

This report asks the Committee to review the current City Council Member Officer Protocol and to consider whether to recommend a similar protocol to Parish Councils.

6. Guidance for Councillors on Personal Interests (Pages 35 - 48)

This report advises the Committee of recently updated guidance issued by the Government in respect of the new standards regime.

7. Monitoring Report in Respect of Complaints Received

The Monitoring Officer will give a verbal report in respect of complaints received.

8. Review of Work Plan (Pages 49 - 50)

Members are asked to review the Committee's work plan.

9. Urgent Business

Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democracy Officer:

Name: Jayne Carr

Contact Details:

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Email – jayne.carr@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
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Contact details are set out above.

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Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Minutes

MEETING	JOINT STANDARDS COMMITTEE
DATE	20 FEBRUARY 2013
PRESENT	COUNCILLOR RUNCIMAN (CHAIR) (CYC MEMBER) COUNCILLOR BARTON (CYC MEMBER) COUNCILLOR CRAWFORD (PARISH COUNCIL MEMBER) COUNCILLOR MARTIN (VICE-CHAIR) (PARISH COUNCIL MEMBER) COUNCILLOR SCOTT (CYC MEMBER) COUNCILLOR TAYLOR (CYC MEMBER)
IN ATTENDANCE	MR DIXON (INTERIM INDEPENDENT PERSON) MR LAVERICK (INDEPENDENT PERSON) COUNCILLOR ALEXANDER (ITEMS 1 TO 4) COUNCILLOR D'AGORNE COUNCILLOR GILLIES (ITEMS 1 TO 4)
APOLOGIES	COUNCILLOR SIMPSON (PARISH COUNCIL MEMBER) MRS BAINTON (INTERIM INDEPENDENT PERSON) MR HALL (INTERIM INDEPENDENT PERSON)

WELCOME

Mr Laverick, independent person, was welcomed to his first meeting of the committee.

22. DECLARATIONS OF INTEREST

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of the business on the agenda. None were declared.

23. MINUTES

RESOLVED: That the minutes of the Joint Standards Committee meeting held on 28 November 2012 be approved and signed by the Chair as a correct record.

24. PUBLIC PARTICIPATION

It was reported that there were no registrations to speak at the meeting under the council's Public Participation Scheme.

25. ATTENDANCE BY GROUP LEADERS

Group Leaders from City of York Council were in attendance for this item. A report had been circulated which suggested possible issues for discussion. The report also drew attention to the fourteenth report of the Committee on Standards in Public Life.

Group Leaders were invited to identify any issues relating to monitoring standards of conduct and the committee's arrangements for dealing with complaints that they would wish the committee to address.

Councillor Alexander stated that there were longstanding problems in respect of the political culture within the council. Although attempts had been made to address this issue, the culture remained and the new Members of all parties had settled into the same culture. This had resulted in complaints being lodged that were largely political, which caused unpleasantness and which wasted resources. He suggested that the Committee made recommendations as to how this culture could be changed, for example considering whether it would be useful to bring in an external consultant to support this process. The Monitoring Officer and the Joint Standards Committee also needed to be robust when dealing with vexatious attacks.

Councillor Gillies stated that there were differences in the way some people viewed political attacks. Nevertheless he would not wish to see personal attacks being made outside of the political arena. He expressed concern that the powers of the Standards Committee had been reduced. He stated that it was important that the Committee did not waste time on insignificant

issues although he acknowledged that there were differing perceptions as to what people would designate as a frivolous. Nevertheless it was also important that people had the opportunity to make a complaint if they believed this to be necessary.

Councillor D'Agorne stated that he agreed that there had been some instances in the past when the procedures that had been followed were not appropriate in view of the nature of the complaint. Most complaints seemed to have been political in nature. Councillor D'Agorne stated that he regretted some of the changes that had been made to the standards regime. It was important to avoid bureaucratic procedures when there were very few sanctions available to the committee. The Monitoring Officer had a useful role to play and carried out this role well. It was important to make the best of the situation and to promote good practice, for example through the use of model procedures.

The Monitoring Officer stated that although he had some concerns about the new standards arrangements, he did welcome the way in which complaints were now assessed. The process now allowed for early and robust decision making. He asked the Group Leaders about the role they would play in the new arrangements. Councillor Gillies suggested that Group Leaders could play a role in mediating or arbitrating on issues to see if they could be resolved at an early stage rather than escalating to a formal complaint.

The Independent Person asked about the arrangements that were in place in respect of Group Leaders' meetings. Councillor Alexander stated that the Group Leaders met in advance of full council meetings but explained that some Group Leaders had to consult with their Group prior to any decisions being taken and this sometimes caused difficulties.

The Independent Person drew attention to the work of the Committee on Standards in Public Life. He stated that the new arrangements in respect of the standards regime would be kept under review and drew attention to the need to promote high standards of ethical behaviour. He stated that this went beyond ensuring that Members complied with a code of conduct. He questioned how Members were fulfilling their responsibilities in this area, for example ensuring that contracts that were delivered by third parties were delivered in an ethical way.

Members agreed that it was important that ethical considerations were given full consideration, for example during the procurement process, and they agreed that they would wish to give further consideration to this matter at a future meeting.¹ Referring to a suggestion that a separate item on ethical implications be included on the agenda for Cabinet meetings, Councillor Alexander stated that good ethics were embedded in all the decision-making that was taking place and hence he did not believe this to be necessary.

Parish Council representatives suggested that the review of the new arrangements had focused on City of York Councillors and that there was also a need to look at the situation in respect of parish councils. A number of complaints that had previously arisen had been in respect of parish councillors. It was noted that Yorkshire Local Councils Association had circulated guidance to assist parish councils. It was agreed that representatives of Parish Council Chairs should be invited to attend the next meeting.²

Referring to comments made by a member of the committee that political attacks should be restricted to meetings and should not continue in the form of letters to the media or comments on Twitter, Councillor Alexander explained that it was often difficult to prevent Members from using the media in this way as it was sometimes necessary to respond to an attack that had been made by another Group. Referring to suggestions that there was a need to better publicise the positive work that was carried out by the Joint Standards Committee in promoting high standards of conduct, Group Leaders commented that, although they supported this recommendation, the media culture was such that it tended to focus on more negative aspects.

Concerns were expressed regarding the limited sanctions that were open to the committee in the event of a breach of the code. The Monitoring Officer recognised this as a potential problem but stated that the committee had never yet had to handle a complaint that could not have been dealt with under the sanctions that were currently available.

The Group Leaders were thanked for their attendance at the meeting.

The Chair requested that if, arising from the discussions, Members identified further items for inclusion on the

committee's work plan these be notified to the Monitoring Officer.

RESOLVED: That the report, and the issues identified during the discussion be noted.

REASON: To promote high standards of ethical conduct.

26. **ARRANGEMENTS FOR HANDLING COMPLAINTS**

Members considered a report that asked them to adopt new procedures for dealing with complaints and new criteria for making decisions as to whether a complaint should be investigated. The procedures had been updated to reflect discussions that had taken place at previous meetings.

Members were asked to consider the issues raised in paragraphs 3 and 4 of the report and identify any additional changes to the draft procedures which may be considered necessary. Members noted that under the previous arrangements it had been the practice to establish sub-committees so as to exclude City Councillors from the same political group as either a complainant or the subject Member. It may be more difficult to do this now given the removal of Independent Members. Members agreed that this should be an aspiration but, because of the difficulties in achieving this, it should not be a requirement. Likewise it would be useful if the Chair or Vice-Chair were to chair sub-committee meetings but the committee agreed that, in order to provide flexibility, this should not be a requirement. The important factor was to ensure that the Members were able to demonstrate their independence and impartiality when carrying out their work.

Consideration was given to suggested amendments to the wording of the Assessment Criteria for complaints, as put forward by the Independent Person. The Monitoring Officer confirmed that the criteria were in accordance with the guidance issued by the Standards Board.

RESOLVED: (i) That a statement be included within the procedures stating that "Ordinarily a sub-committee will be chaired by the Chair or Vice-Chair of the Joint Standards Committee and comprise of other

members selected to demonstrate their impartiality”

- (ii) That, subject to the inclusion of the above statement, the revised procedures and assessment criteria, as per Annexes A and B of the report, be adopted as the Committee’s arrangements for handling complaints.

REASON: To ensure consistency in the judgements made about complaints.

27. MONITORING REPORT IN RESPECT OF COMPLAINTS RECEIVED

The Monitoring Officer gave a verbal report in respect of complaints received. He stated that there had been no new complaints lodged since the last meeting. The complaint that had been referred to at the previous meeting had been investigated by an officer from North Yorkshire County Council. Witnesses had been interviewed and the investigating officer’s report was now awaited.

RESOLVED: That the update on complaints received be noted.

REASON: To ensure that the Committee is kept updated on complaints received.

28. FIRST REVIEW OF NEW CODE OF CONDUCT

Members considered a report that provided them with the opportunity to reflect on the introduction of the new Codes and identify any issues which the Committee may be able to address.

It was noted that two internal training sessions had been held for City Councillors. A question had been raised as to the new local requirement to register hospitality which was offered but not accepted. The specific issue related to conferences. Members received flyers containing invitations to free or discounted conferences on a fairly regular basis and generally did not respond to them. The committee agreed that, in

general, if a conference was open to all Members on commercial terms, there should not be a requirement to register the invitation. If, however, a personal invitation was issued to a Member at rates that were more favourable than to other delegates, it would be appropriate for this to be registered. It was agreed that, at a future meeting, further consideration would be given to guidance on hospitality.¹

Consideration was given to the types of circumstances in which it would be appropriate for the Monitoring Officer to grant dispensations. Examples were given of the type of circumstances that could arise, for example in relation to Members' own planning applications.

Clarification was sought as to whether the Independent Persons were subject to the Code of Conduct. The Monitoring Officer confirmed that they were not subject to the Code but there was an expectation that they would comply with the standards that it set out. If the committee felt it necessary, Independent Persons could be asked to sign a declaration on their appointment.

- RESOLVED:
- (i) That the following guidance apply in respect of the requirement to register offers of hospitality to the conferences referred to in paragraph 5 of the report...
“In general, if a conference is open to all Members on commercial terms, there is no requirement to register the invitation. If, however, a personal invitation is issued to a Member at rates that are more favourable than to other delegates, it would be appropriate for this to be registered”.
 - (ii) That the Monitoring Officer be delegated the power to grant dispensations enabling a Member to make representations to Council meetings in circumstances where a member of the public has identical rights.
 - (iii) That the report be noted and a further similar report be included in the Committee's work plan for the next Municipal Year.²

- REASONS:
- (i) To clarify the expectations imposed on Members.
 - (ii) To avoid any uncertainty as to Members' legal position.
 - (iii) To allow Members to monitor the implementation and impact of the new standards regime.

29. PLANNING CODE OF GOOD PRACTICE

Members considered a report that asked them to refer a revised Planning Code of Good Practice for consultation with relevant Members and Officers.

The Monitoring Officer stated that the Code of Good Practice had been substantially rewritten and was based on the Local Government Association and ACSeS model.

Members were asked to consider whether to identify any changes that they would like to see to the draft Planning Code. The Monitoring Officer stated that he was satisfied that the draft code was an accurate reflection of the current legal position.

Members stated that there was a need to amend paragraph 3.2 to read "hospitality valued at £50 or more".

RESOLVED: That the Monitoring Officer be requested to consult with relevant Members and Officers on the draft Code and report the outcome of that consultation to the Committee.¹

REASON: To ensure that any new Code is fit for purpose.

30. REVIEW OF WORK PLAN

Consideration was given to the committee's work plan.

It was agreed that it would be useful to invite some Chairs of parish councils to attend the next meeting. It was suggested

that this be done through the Yorkshire Local Councils Association.

Members also discussed strategies as to how to recruit additional independent persons. It was noted that the Audit and Governance Committee was also seeking to appoint an independent person and hence there was the possibility of working jointly to raise awareness of these vacancies. It was suggested that the local press be approached regarding the possibility of an article being included on the appointment of the Mr Laverick. Members agreed that, in addition to promoting the positions in the media, contact be made with the following organisations to raise awareness of the vacancies:

- Other local authorities
- Rotary Clubs
- Magistrates Supplemental List

Members were asked to contact the Monitoring Officer with any further suggestions regarding recruitment of the independent persons.

The following additions to the work plan were agreed:

- Invite representatives from parish councils to attend the next meeting (as per minute 25)
- Ethical standards (as per minute 25)
- Update on the recruitment of additional independent persons
- Review of Code of Conduct (as per minute 28)
- Guidance on hospitality (as per minute 28)
- Update on Consultation re revised Planning Code of Good Practice (as per minute 29)

RESOLVED: That, subject to the inclusion of the items detailed above, the committee's work plan be approved.

REASON: To ensure that the committee has a planned programme of work in place.

Clr Runciman - Chair

The meeting started at 3.00 pm and finished at 4.45 pm.

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Joint Standards Committee**17th April 2013**

Report of the Monitoring Officer

Member Officer Protocol**Summary**

1. This report asks the Committee to review the current City Council member officer protocol and to consider whether to recommend a similar protocol to Parish Councils.

City Council Protocol

2. Like most upper tier Councils the City Council has a member officer relations protocol in place. A copy of the current protocol appears at annex A to this report. It is three years since the protocol was last reviewed and it seems appropriate to do so now in light of the changes to the standards regime as well as other legislative change affecting local authorities.
3. The current protocol was put in place in response to an ethical governance health check conducted for the Council. It was introduced after widespread consultation and after consideration of a number of protocols used by other Councils. Generally it remains a comprehensive document.
4. A recent case has highlighted the fact that not all Members have understood the rights they have to access information held by the Council. These are described within the protocol although that section would benefit from some elaboration of the additional rights which members of scrutiny committee have. That gives rise to two questions – how well communicated the protocol has been and whether the Council should adopt a position of giving Members rights which go beyond those given by law.
5. Members are invited to consider whether there are any other areas of the Protocol which require review.

Parish Council Protocol

6. It is not so common for Parishes to adopt protocols dealing with relations between their Members and employees although NALC and the Society of Local Council Clerks have both supported an ACSES produced model and some other versions are available on the internet.
7. A draft of a potential Parish protocol is attached at annex B for discussion. Members are asked to consider whether to recommend to Parish Councils that they adopt a protocol and, if so, whether this draft could form the basis for a recommended model.

Recommendations

8. Members are recommended to:
 - 1) Identify any changes which they consider should be made to the City Council protocol

Reason: To add further clarity to the protocol
 - 2) To consider how best to communicate the contents of the protocol.

Reason: To ensure that Members and Officers are familiar with its key contents.
 - 3) To consider whether to recommend to Parish Councils that they adopt a similar protocol and, if so, whether the draft at annex B should be adopted as a model.

Contact Details

Author:

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Monitoring Officer

CBSS

Tel No. 01904 551004

|

Report
Approved

Date 04/04/13

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A – Protocol on Member/Officer Relations

Annex B – Draft Parish Protocol

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PROTOCOL ON OFFICER/MEMBER RELATIONS

1 Introduction and Principles

- 1.1 The purpose of this Protocol is to provide a set of principles to guide Members and officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 1.2 This Protocol should be read in conjunction with the Members' Code of Conduct, Employees' Code of Conduct, the Council's Constitution, Whistle-blowing Policy and any guidance issued by the Standards Committee, Audit and Governance Committee and/or the Monitoring Officer.
- 1.3 Certain employees, e.g. Head of Paid Service, Monitoring Officer, Chief Financial Officer (Section 151 Officer) and the statutory Chief Officers have responsibilities in law over and above their obligations to the Council and its Members that they must be allowed to discharge.

2 The Relationship: General Points

- 2.1 Both Councillors and officers are servants of the public, and they are indispensable to one another. But their roles and responsibilities are different.
- 2.1.1 Councillors are responsible to the electorate and serve only so long as their term of office lasts. Members are representatives of the ward constituents and they also develop policies which will be implemented by the officers.
- 2.1.2 Officers are responsible to the Council as a whole, they are employed by and ultimately responsible to the Chief Executive as Head of Paid Service. Their job is to provide professional advice and support to relevant parts of the Council in developing and implementing the policies and decisions.

2.2 These are very different roles and this may in some circumstances give rise to tensions and, as such, it is essential that the working relationship between officers and Members is businesslike and founded upon mutual respect.

2.3 Member/officer relationships should be conducted in a positive and constructive way. Therefore it is important that any dealings between Members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influences on the other party.

3 Expectations

3.1 What can Members expect from officers:

- Political neutrality;
- A commitment to act in the interests of the Council as a whole and not to any one political group;
- A professional approach to the working relationship;
- An understanding of their role and its pressures;
- Timely response to enquiries;
- Professional advice;
- Confidentiality where appropriate;
- Courtesy and respect;
- Compliance with the Officers' Code of Conduct.

3.2 What can officers expect from Members:

- Understanding of the requirements of their roles and an appreciation of competing calls on their time;
- A partnership working approach;
- Courtesy and respect;
- Political leadership and direction;
- Not to be bullied or subjected to inappropriate pressure;
- Respect for their professional advice.
- Members shall act within the Code of Conduct at all times.

4 Specific Issues

- 4.1 Officer Advice and preparation of reports: – The provision of advice and the preparation of reports are central to the roles of many senior officers and they are under a duty to give their best advice in the interests of the Council as a whole. When carrying out these duties it is essential that they feel able to give full and frank advice even where this may not be supportive of a particular policy or decision promoted by a Member. Members must not seek to unduly influence the content of any report or try to persuade an officer to change their professional advice when drafting their reports.
- 4.2 Social contact between Members and officers:- Mutual respect between employees and Members is essential to good local government. Close personal familiarity between employees and Members that transcends the normal employer/employee relationship can potentially undermine Members' confidence in the political neutrality or even-handedness of an officer, and therefore, care should be exercised.

5 When Things Go Wrong

- 5.1 Procedure for Members:- From time to time the relationship between a Member and an officer may become strained for various reasons, including the tensions mentioned above. In such circumstances, it is essential that the Member should not raise such matters in a manner that is incompatible with the objectives of this Protocol. An officer has no means of responding to such criticisms in public. If a Member feels he/she has not been treated with proper respect, courtesy, or has any concerns about the conduct or capability of an officer he/she should raise the matter with the respective Head of Service/Assistant Director. The Head of Service/Assistant Director will then look into the facts and report back to the Member. If the Member continues to feel concern then he/she should report the facts to the appropriate Director, or if, after doing so is still dissatisfied, should raise the issue with the Chief Executive. Any action taken against an officer in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.

5.2 Where an officer feels that he/she has not been properly treated with respect and courtesy by a Member, he/she should raise the matter with his/her Head of Service/Assistant Director, Director or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Head of Service/ Assistant Director, Director or the Chief Executive will take appropriate action either by approaching the individual Member and/or Group Leader or by referring the matter to the Assistant Director of Governance and ICT for advice on how to proceed.

6 Officer Support: Member and Party Groups

6.1 It must be recognised by all officers and Members that in discharging their duties and responsibilities, officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.

Party groups are a recognised part of local authorities and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality.

6.2 In providing this support to party groups certain points must be understood by both officers and Members:

- (a) Officer support must be limited to providing information and advice in relation to matters of a Council business. Officers must not be involved in advising on matters of party business. It is recommended that officers are not present at meetings or parts of meetings where matters of party business are to be discussed.
- (b) Party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore

rank as Council decisions and it is essential that they are not interpreted or acted upon as such.

- (c) Where officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee or sub-committee when the matter in question is considered.

6.3 Special care needs to be exercised whenever officers are involved in providing information and advice to party groups or other meetings which include persons who are not Members of the Council or Elected Members. Such persons are not bound by the Members' Code of Conduct (in particular, the provisions concerning declarations of interest and confidentiality) and, for this and other reasons, officers may not be able to provide the same level of information and advice as they would to a Member only meeting.

6.4 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group, but officers must have regard to a Member's right of access to information and Council documents which are referred to in paragraphs 9.1 and 9.2 above. However the confidentiality of information discussed in the presence of an officer cannot be guaranteed in all cases as it may be subject to the Freedom of Information Act.

6.5 In relation to budget proposals;

- (a) The administration shall be entitled to confidential discussions with officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of the Cabinet/Council meetings, whichever is the earlier;
- (b) The opposition groups shall be entitled to confidential discussions with officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition

groups or until published in advance of Cabinet/Council meetings, whichever is the earlier.

6.6 Any particular difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

7 Officer Support: The Cabinet

7.1 It is important that there should be a close working relationship between Cabinet Members and the officers who support and/or interact with them. However such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other Members and other party groups.

7.2 Whilst Cabinet Members will be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an officer will be under a professional duty to submit a report. A Director, Head of Service/Assistant Director will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report.

7.3 Under Cabinet arrangements, individual Members of the Cabinet may, in some situations, take decisions. The Council has put in place mechanisms to ensure that the individual Cabinet Member seeks advice from relevant Members and officers before making a decision with his/her delegated authority. This includes taking legal advice, financial advice and professional officer advice as well as consulting the Monitoring Officer where there is doubt about powers to act.

7.4 Officers will continue to work for and serve the Council as a whole. However, as the majority of functions will be the responsibility of the Cabinet it is likely that in practice many officers will be working to the Cabinet for most of their time. The Cabinet must respect the political neutrality of the officers.

Officers must ensure that their political neutrality does not appear to be compromised.

8 Officer Support: Overview and Scrutiny

- 8.1 It is not the role of Overview and Scrutiny to act as a disciplinary tribunal in relation to the actions of Members or officers. Neither is it the role of officers to become involved in what would amount to disciplinary investigations on a panel's behalf. This means:
- (a) Overview and Scrutiny's questioning about the conduct of individuals should be in the sense of establishing the facts about what occurred in the making of decisions or implementing of Council policies, not to imply criticism or blame;
 - (b) In these circumstances, it is for the Chief Executive to institute a formal enquiry, and Overview and Scrutiny may ask (but not require) him to do so.
- 8.2 Overview and Scrutiny should not act as a "Court of Appeal" against decisions or to pursue complaints by individuals, as other procedures exist for this. These are internal, eg the Corporate Complaints Procedure, and external/statutory, eg Local Government Ombudsman, Standards Board for England, or appeal to the Courts. However:
- (a) Overview and Scrutiny may investigate the manner in which decisions are made but should not pass judgement on the merits of a decision in individual cases;
 - (b) They can comment on the merits of a particular policy affecting individuals.
- 8.3 Wherever possible Overview and Scrutiny should provide written questions or details of indicative topics to someone invited to appear before a panel to ensure they have adequate time to prepare for the meeting. In addition, invitees ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the Panel has previously indicated.

9 Members' Access to Information and to Council Documents

9.1 Members need to have access to information held by the council in order to perform their roles but their rights to access are not absolute. The starting point is that Members have the same rights as any other person and, as such, they are entitled to copies of any published information held by the council. They can also make a request under the Freedom of Information Act 2000 if they wish.

9.2 Members also have additional legal rights to access information held by the council which would not normally be made public. They are given these extra rights of access in order to enable them to undertake their roles as councillors. However, care should be exercised in this regard as Councillors are only entitled to confidential information where they either, have a right under S.100 of the Local Government Act 1972 or, where they can show that they have a 'need to know' the information in order to conduct their council duties.

9.3 S.100(F) LGA 1972.

This provides that any document held by the council containing material relating to any business to be transacted at any meeting of the council, committee or sub-committee must be available for inspection by any member of the council unless it is deemed by the proper officer to fall within certain categories of 'exempt' information as defined by Schedule 12A to the Local Government Act 1972. This applies to all categories of exempt information except those under paragraph 3 (except to the extent that the information relates to proposed terms of a contract), and paragraph 6 of Schedule 12A.

9.4 Need to Know

Even where the above statutory rights do not apply to the information in question the Member also has a common law right to inspect information which it is necessary for them to inspect in order to carry out their function as a councillor. This will normally cover all the information

- 9.5 In cases of doubt Members should approach the Assistant Director of Governance and ICT for assistance.
- 9.6 The common law rights of Members are based on the principle that any Member has a right to inspect Council documents so far as his or her access to the documents is reasonably necessary to enable the Member properly to perform his or her duties as a Member of the Council. This principle is commonly referred to as the “need to know” principle.
- 9.7 The exercise of this common law right depends upon an individual Member being able to demonstrate that he or she has the necessary “need to know”. In this respect a Member has no right to a “roving commission” to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”. This question must be determined by the particular Director or Assistant Director with advice from the Assistant Director of Governance and ICT.
- 9.8 In some circumstances the Member will be expected to justify the request to inspect a document. In addition there will be a range of documents, which, because of their nature are either not accessible to Members or are accessible only by the political group forming the administration and not by the other political groups. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft Committee reports, the premature disclosure of which might be against the Council’s and/or the public interest.
- 9.9 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member’s duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied, i.e. to brief the Member.
- 9.10 The Members Code of Conduct also contains specific rules about confidential information held by councils which prohibit

members from disclosing such information unless it can be shown that it is in the public interest to do so.

10 Correspondence

10.1 Correspondence between an individual Member and an officer should not be copied (by the officer) to any other Member. Where exceptionally it is necessary to copy to another Member, this should be made clear to the original Member.

10.2 Official letters and electronic communications on behalf of the Council should be sent in the name of the appropriate officer, rather than in the name of the Member. It may be appropriate in certain limited circumstances (eg, representations to a Government Minister) for a letter to appear in the name of a Cabinet Member or the Leader, but this should be the exception rather than the norm. Letters which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

11 Communication of Officer Delegated Decisions

11.1 Notwithstanding the rights of Members to information and to Council documents set out in this Protocol, officers taking decisions under delegated authority from the Cabinet must ensure that relevant Members have prompt information regarding the decision, the reasons for the decision and the impact of the decision.

11.2 For the purposes of this protocol “relevant Member” will include:

- (a) Members of any Ward upon which the decision is likely to impact.
- (b) Members of the Cabinet where the decision falls within their portfolio area.
- (c) Members of any relevant Committee where if it was not for delegation to officers, the decision would be taken by that Committee.

- (d) All Members of the Council where the decision is likely to have a corporate impact.

11.3 If any Member becomes aware that they have not been provided with the information in accordance with this protocol the matter should be raised with the appropriate Director and/or the Chief Executive.

12 Publicity and Press Releases

12.1 Local Authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Council, explaining its objectives and policies to the electors and customers. Local Authorities use publicity to keep the public informed and to encourage public participation. The Council needs to tell the public about the services it provides. Good effective publicity should aim to improve public awareness of the Council's activities. Publicity is a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential to ensure that decisions on publicity are properly made in accordance with the Code of recommended Practice on Local Authority Publicity and the Council's Media Protocol.

12.2 Officers and/or Members should seek advice from Head of Marketing and Communications when making decisions on publicity, and particular care should be paid to any publicity used by the Council around the time of an election.

13 Involvement of Ward Councillors

13.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Wards affected should as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise. In addition officers should consider whether other policy or briefing papers, or other topics being discussed with a Cabinet Member should be discussed with relevant Ward Members. Officers should seek the views of the appropriate

Cabinet Member(s) as to with whom and when this might be done.

14 Monitoring and Review

- 14.1 The application and implementation of this Protocol will be monitored and reviewed by the Council's Standards Committee in consultation with the Council's Monitoring Officer.

PARISH MEMBER / EMPLOYEE RELATIONS PROTOCOL

Introduction

The effectiveness of working relationships between elected Parish Councillors and their employees significantly influences how well the Council performs. Good relationships are also critical in maintaining public confidence in the workings of the Council.

This protocol is intended to guide Members and employees of the Parish Council in their relationships with one another. It is not intended to be prescriptive or comprehensive and simply seeks to offer guidance on some of the issues which can arise. It does not in any way replace the Council's Code of Conduct nor does it replace any employee Code of Conduct which the Parish Council may put in place.

Status of the protocol

This protocol has been endorsed by the Standards Committee of the City of York Council and approved by [] Parish Council.

Roles and responsibilities

Councillors and the Council's employees are indispensable to each other but their roles are distinct.

Parish Councillors

Parish Councillors decide on the priorities for the Parish Council, set the budget, represent and advocate for their constituents (including those who have not voted for them) and collectively make decisions on behalf of the Parish Council.

Parish Councillors are responsible to the electorate and serve only so long as their term of office lasts. A Parish Councillor can only serve for a maximum of 4 years before submitting themselves to the electoral process.

Employees

Employees of the Council implement the decisions made by Councillors. They can only make decisions themselves on behalf of the Council if the Council has decided to delegate a decision making responsibility to the

employee. Employees give information and advice to the Council and support Parish Councillors.

The Parish Clerk and other Parish Council employees are employed by, and are responsible to, the whole Council and not to any individual Councillor. Employees of the Council are managed in accordance with Council procedures.

Reasonable expectations of employees

It is reasonable for a Parish Councillor to expect the Parish Council employees:

- To do their job effectively and efficiently;
- To behave in a manner which does not bring the Council into disrepute;
- To be helpful, respectful and courteous;
- To provide assistance to Members in carrying out their role;
- To deal with Members enquiries fairly and efficiently;
- To be open and honest with Members;
- To work with all Members equally and fairly;
- To maintain confidentiality where appropriate;
- To be sensible about contacting Members at potentially inconvenient times unless in an emergency or otherwise agreed;
- To acknowledge that they are employed by the whole Council and not by any individual Member.

Reasonable expectations of Parish Councillors

Employees can reasonably expect Parish Councillors:

- To be helpful, respectful and courteous;

- Not to ask employees to breach Council policy or procedure or to act unlawfully;
- Not to attempt to exert improper influence or pressure or request special treatment;
- Not to raise concerns about an employee in a public setting and to raise such concerns in an appropriate manner in accordance with Council policy;
- To respect that employees have a right to a private life and be sensible about making contact at potentially inconvenient times unless in an emergency or otherwise agreed.

Specific issues

Personal relationships

Good working relationships are critical between Parish Councillors and employees but close familiarity could prove embarrassing to other Councillors and employees and give rise to potential conflicts of interest. Personal relationships must not be allowed to interfere with the effective working and operation of the Council.

Giving instructions to employees

The Parish Clerk is responsible for the day to day running of the Council following the directions of the Parish Council. Only the Parish Clerk therefore can give instructions to employees of the Council and only the Full Council or a properly constituted committee or sub committee can give instructions to the Parish Clerk.

Individual Parish Councillors should not therefore attempt to direct the work of employees.

Chairs and Vice Chairs

Chairs and Vice Chairs of the Parish Council have additional responsibilities. Because of those responsibilities, their relationships with employees may differ from, and be more complex than those of Councillors without those responsibilities. This is recognised in the

expectations they are entitled to have. However, such Councillors must still respect the impartiality of officers.

Complaints about employees or services

In appropriate circumstances Parish Councillors may have a right to criticise the report, advice or action of employees. However it has to be recognised that employees will find it difficult to answer back to such criticism and therefore any criticism must not be in the form of a personal attack and must be constructive and well founded.

Parish Councillors must avoid undermining public respect for employees and should therefore avoid making any criticism of an employee at a public meeting, in the press or by way of any other public statement. Making such criticisms would be damaging to the public image of the Parish Council. It would also undermine the mutual trust and courtesy which underpins effective working relationships.

If a Parish Councillor wishes to raise an issue about an employee they should use any established channels in place or, direct their concerns through the Chair/Vice Chair.

Information sharing

All Parish Councillors have a right to expect to be kept informed about matters on which they may be required to make decisions or which affect the Parish. The Clerk should aim to ensure that all Members are kept fully informed in relation to important issues.

If the Parish Council organises a meeting to consider a local issue then all Parish Councillors must be invited to attend that meeting.

So far as documents and other information held by the Parish Council are concerned much of it will be in the public domain and Parish Councillors have the same right as any member of the public to see that information. So Parish Councillors have the same right as the public to have access to agendas, reports and minutes of meetings which are held in public and have the right to access information given by the Freedom of Information Act.

Parish Councillors have additional rights to access information as well. They are entitled to have access to reports of matters which are to be considered in a private session at Full Council meetings or at a

Committee of which they are members. In addition Parish Councillors have the right to access any other Parish Council information where they can show they have a 'need to know'. Any request to access Parish information should be made to the Parish Clerk. If the Parish Clerk is uncertain as to whether the Councillor is entitled to access that information then they should refer the question to the Council for a decision.

Correspondence

Correspondence between Parish Councillors and employees should not normally be copied to any other party. In particular, when using email, the use of blind copies should be avoided. There are exceptions to this general rule. If the original correspondence was copied to other parties then it is legitimate to send a response to those parties. There may also be occasions where the correspondence gives rise to concern for example in relation to possible breaches of the Code of Conduct.

In such cases it is legitimate for the employee to share correspondence with the Chair of the Parish Council or, where appropriate, the Monitoring Officer of the City of York Council.

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Joint Standards Committee**17th April 2013**

Report of the Monitoring Officer

Guidance for Councillors on Personal Interests**Summary**

1. This report advises the Committee of recently updated guidance issued by the Government in respect of the new standards regime.

Background

2. The Government has recently issued the guidance which appears at annex A to this report. Although it does not do so explicitly the guidance attempts to deal with some of the flaws in the legislation. For example it indicates that Members should notify their disclosable pecuniary interests whether or not they have been elected since the new arrangements were implemented.
3. The guidance confirms that disclosable pecuniary interests should be declared where the business being discussed *relates* to the disclosable pecuniary interest. This is more useful wording than the Act itself which says it applies where a member *has* a disclosable pecuniary interest in the business.
4. The guidance suggests that dispensations are not required in respect of Council tax or precept setting because these do not materially affect a Member's interest in land. Council tax is however a land based tax and so the business of setting the tax clearly does *relate to* that disclosable pecuniary interest. The legislation does not contain any proviso in respect of materiality (in contrast to the former Code's provisions regarding significance). No doubt the DPP will take notice of this guidance and no prosecutions will be brought in respect of Members participating in Council tax setting. Unfortunately, there is no clarity as to how far the extra statutory "materiality" exemption might extend.

5. The guidance indicates that Members with a disclosable pecuniary interest cannot participate in a meeting even as a member of the public. Many lawyers disagree with this statement. However, it seems best to suggest that Members in this position should seek a dispensation. That advice was contained in the draft Planning Code that the Committee considered at its last meeting.

Recommendations

6. Members are recommended to:

- 1) Note the report

Reason: To ensure Members are aware of developments in this area

Contact Details

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Monitoring Officer

CBSS

Tel No. 01904 551004

|

**Report
Approved**

Date 05/04/13

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A – DCLG Guidance



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

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).

- the Broads Authority
- 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.

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 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

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

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

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

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.

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.

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20012/2014 Work Plan for Joint Standards Committee

<u>Meeting Date</u>	<u>Items</u>	<u>Notes</u>
28 November 2012 at 3.00pm	<p><i>Monitoring report in respect of complaints received</i></p> <p><i>Protocol for handling complaints and assessment criteria</i></p> <p><i>Dispensations</i></p> <p><i>Registers of gifts and hospitality</i></p>	
20 February 2013 at 3.00pm	<p><i>Monitoring report in respect of complaints received</i></p> <p><i>Review of the new Code of Conduct</i></p> <p><i>Planning Code of Good Practice</i></p> <p><i>Meeting with Group Leaders</i></p> <p><i>Presentation of finalised Procedures for Handling Complaints</i></p>	<i>As agreed at meeting of 28 November 2012 (minute 16)</i>
17 April 2013 at 3.00pm	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Invite representatives from parish councils • Review of Member Officer Protocol (to include Parish Councils as well as CYC) • Guidance for Councillors on Personal Interests 	<p>Standard item</p> <p>As agreed at meeting on 20 February (minute 25)</p> <p>As agreed at meeting of 28 November 2012 (minute 19)</p> <p>Agenda item at request of Monitoring Officer</p>

26 June 2013 at 3.00pm	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Update on Planning Code of Practice • Update on the recruitment of independent person • Committee on Standards in Public Life Triennial Review 	<p>Standard item</p> <p>As agreed at meeting of 20 February 2013 (minute 29)</p> <p>As agreed at meeting of 20 February 2013 (minute 30)</p>
11 September 2013 at 3.00pm	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
13 November 2013 at 3.00pm	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
19 February 2014 at 3.00pm	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
16 April 2014 at 3.00pm	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
June/July 2014	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Review of the arrangements for handling complaints. 	<p>Standard item</p> <p>As agreed at meeting of 28 November 2012 (minute 19)</p>

To be included:

- *Promoting ethical standards (as agreed at meeting of 20 February 2013 – minute 25)*
- *Review of the Code of Conduct (as agreed at meeting of 20 February 2013 – minute 28)*
- *Guidance on hospitality (as agreed at meeting of 20 February 2013 – minute 28)*
- *Review of Code of Conduct (as agreed at meeting of 20 February 2013 – minute 28)*