

Date: 31 July 2007

Report: **ADOPTION OF A NEW CODE OF CONDUCT FOR MEMBERS**

Purpose of the report

1. To invite the Authority to adopt a new Code of Conduct for Members, and to consider certain related issues.

Strategic Planning Framework

2. The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:
 - Best Value Performance Plan Objectives, Action 98(b): Continue to develop effective corporate governance....introduce a new code of conduct for Authority members.

Background

3. Under Section 50 of the Local Government Act 2000, the Secretary of State has power to issue a model code, setting out the conduct which is expected of members of local government bodies (including National Park Authorities). The bodies in question then have up to six months to pass a resolution adopting their own code of conduct.
4. The model code of conduct may include mandatory elements (that is, elements which all authorities must include in their own codes), and it may include optional elements. It is also open to local authorities to include other matters in their code, so long as they are consistent with the model code.
5. In 2001, the Secretary of State issued four different model codes of conduct: one for local authorities, one for parish councils, one for police authorities, and one for national park authorities and the Broads Authority. The four codes were largely similar, though the National Parks and Broads Authority code did contain some differences – most notably the provision which enabled members to “regard themselves as not having a prejudicial interest” in matters relating to farming and land in the area of the Authority. Members may recall that this issue was highlighted in the “Review of National Park Authorities” which reported in 2002. Recommendation 32 said: “The National Park Authorities’ and Broads Authority’s

model code of conduct should be amended to ensure a level playing field for all interests". This recommendation was accepted by Government.

6. This Authority adopted its code of conduct based on the original model in 2002. As members know, some difficulties were experienced in relation to the provisions of codes of conduct based on that model, and work began to develop a revised model code. The Standards Committee received reports on progress, and although it was unable ultimately to comment on the final draft, some comments were sent to the Government, based on the comments of Standards Committee members. The Local Authorities (Model Code of Conduct) Order 2007 was made by the Secretary of State on 2nd April 2007, and came into force on 3rd May. It specifies a single new model code of conduct for all authorities, to replace the previous four models, and all authorities must adopt a new code of conduct based on the new model by 1st October 2007. Subject to certain exceptions, almost all of which are technical points relating to the fact that the model code does apply to different types of Authority, all provisions in the model code are mandatory, and therefore must be included in the individual codes of all authorities.
7. One of the terms of reference of the Standards Committee is advising the Authority on the adoption or revision of a code of conduct, and so the Standards Committee has studied the new model code, and considered the various points where discretion is available. This report details the advice and recommendations which the Standards Committee wishes to give to the Authority.

Adopting a code for YDNPA

8. The new model code of conduct is set out as **Appendix 1** to this report, and the code for this Authority as proposed by the Standards Committee is **Appendix 2**. The Standards Board strongly recommend authorities to adopt the revised code without amendment, in order to facilitate implementation, ensure consistency across authorities, and assist members to understand the revised code. The Board feel that this will give certainty to members and the public as to what standards are expected, ensure consistency throughout England, and minimise the legal risk of the Authority adopting additional provisions which are unenforceable. It also clearly makes the Standards Board's job easier if all authorities have effectively the same provisions in their codes of conduct, and it helps individuals who are members of more than one authority. However, there are a number of points where a decision needs to be made.
9. The first point to consider relates to the general principles of conduct. The Local Government Act 2000 empowered the Secretary of State to specify principles to govern the conduct of members, and this she did in the Relevant Authorities (General Principles) Order 2001. These principles have been in force ever since, though they have always taken something of a back seat to the code of conduct itself, and they have no particular function other than as a general guide in the interpretation of the code of conduct. As part of the review of the code of conduct, it was argued by some that the principles should be incorporated into the code. That has not been done, but the Standards Board are recommending that Authorities consider adopting the general principles as a non-enforceable preamble to their codes of conduct, to remind members and the public of the principles underlying the code. The model

code itself, in paragraph 1(2), advises members to read the code together with the general principles. The Standards Committee recommend having the principles as a preamble to the code.

10. The next point relates to provisions in the model code which are not mandatory. The following provisions are not mandatory for National Park Authorities, and the Standards Committee recommend that we omit them from our code, because they do not apply in the context of the way that the Authority works:
 - a. Para 1(4)(b) which refers to local authority executives (ie the “cabinet” which many local authorities now have)
 - b. The references in para 1(4)(c) to executives and area committees
 - c. Paras 9(6) and (7) which relate to “executive decisions”, ie decisions made by local authority cabinets or individual cabinet members
 - d. Paras 10(2)(c)(i) and (ii) which relate to authorities with housing / education functions
 - e. Para 11 which relates to local authority Overview and Scrutiny Committees
 - f. Para 12(1)(b) which again relates to “executive functions”

It is worth commenting at this point that there are some other provisions of the model code which clearly do not apply to National Park Authorities (they explicitly say so!), but they are mandatory, and therefore we will have to include them in our code. These provisions are paragraphs 1(5); 3(3); and 8(b)(i) and (ii).

11. There is one paragraph that is not mandatory for National Park Authorities which the Standards Committee recommends this Authority does include in its code, and that is paragraph 12(2). This provides that where a member has a prejudicial interest, they may attend a meeting whilst it is considering that matter, but only to make representations, answer questions or give evidence, in the same way that a member of the public can attend the meeting for those purposes. So for example, a member of the Planning Committee who submits a planning application to the Authority could attend the meeting when the application was being considered and could make a statement in favour of their application. It is not clear why this provision is not mandatory for National Park Authorities when it is mandatory for County and District Councils, but the Standards Committee recommends the Authority to incorporate it into the Authority’s code of conduct. I understand that other National Park Authorities are also proposing to incorporate it.

I should add that the Standards Board’s guidance on the code says that this paragraph “supports your role as a community advocate, representing and speaking for the concerns of your community, even where you have a prejudicial interest”. In my own view, paragraph 12 does NOT do that. It allows a limited right for members who have a prejudicial interest to address a meeting on the same basis that a member of the public would be able to do (eg in our case a three minute address at Planning Committee); they must then leave the room. If the public do not have a right to address the meeting, then the member with a prejudicial interest does not do so either.

12. A relatively minor point occurs at paragraph 3(2)(a), which requires members not to do anything which may cause the Authority to breach any of the equality enactments as defined in Section 33 of the Equality Act 2006. The Standards Committee thought that it would be helpful to list these as an annex to the Authority’s code, rather than

have members refer to an Act of Parliament to which they may not have ready access.

13. Finally, the requirement to declare interests only applies at “meetings” of the Authority, Committees and Sub Committees. The Standards Committee recommends that this be extended specifically to cover site visits, in view of the importance of the principles of probity and openness being seen to apply on those occasions.

Other Issues

14. There are two other issues which were considered by the Standards Committee, and on which it wishes to make recommendations to the Authority:

- a. One new element in the code of conduct is an explicit prohibition on bullying. The code does not define bullying. This Authority adopted a statement on bullying in 2006:

“It is important that mutual respect is maintained at all times between members and officers. In particular, the Authority has made it clear that no member or officer should ever try to bully or harass any other member or officer for any reason whatsoever, and that any instance of this should be reported to the Chairman, the Chief Executive or the Monitoring Officer, as may be thought most appropriate in the circumstances. Bullying means any offensive, intimidating, malicious, insulting or humiliating behaviour, or any abuse or misuse of power or authority, which attempts to influence or undermine the victim, or make them behave in a particular way. Harassment means a course of conduct which is unjustified and causes the victim alarm or distress. Any such behaviour which is reported will be examined to see whether it may be a breach of the code of conduct (in the case of members) or a disciplinary offence (in the case of officers)”.

The Standards Board has issued guidance on the new code, which contains a description of bullying very similar to the above (see page 9 of the Standards Board’s Guide, which has been given to all Members). The Standards Committee recommends that the Authority retains its own statement (as above).

- b. Under paragraph 9 of the new code, a personal interest must be declared at the commencement of consideration of the item of business in question, or when the interest becomes apparent (I take this latter to imply “if later”). At the Standards Board road show in Leeds on 7th June 2007, it was confirmed that Authorities can choose whether to have a single declaration of interests item on the agenda (as this Authority currently does), or whether to deal with declaration of interests under each substantive item of business on the agenda. The Standards Committee recommends that the Authority **change its existing practice** and in future deal with declaration of interests on an item by item basis. The Committee feels that this would have a number of advantages:
 - i. *Greater clarity*: it would be apparent which members had personal interests in which items, rather than members, officers and the public

having to try to remember who had made what declarations at the start of the meeting;

- ii. *Greater accountability*: members of the public attending meetings for particular items (and perhaps missing the general items dealt with at the start of the meeting) would be clear which members had a personal interest in “their” item;
- iii. *Ease of administration*: it can be difficult under the current system for officers to keep up with members all declaring interests in all items on the agenda at the same time, and this item sometimes getting confused with declarations of lobbying (which the Standards Committee recommend should remain as a single item early on the agenda).

15. The new code of conduct for the Authority will come into force as soon as members pass a resolution adopting it, unless members decide otherwise. Rather than change codes of conduct halfway through a meeting, it is suggested that the Authority resolves to adopt the new code of conduct with effect from 1 August 2007. Members are then bound by the new code, and no longer bound by the old one. Training was provided for members in relation to the new code on 19 July, and if members wish this can be repeated, either as a refresher, or for the benefit of members not able to attend on 19 July. All members should also by now have received a copy of the Standards Board guidance on the new code; a Standards Board “pocket guide”; and a flowchart which I have devised to help members with issues regarding the registration and declaration of personal interests. The Standards Board are working on the production of further training materials, and these will be considered by the Standards Committee when they are available, with a view to them being used for further training of all members, if they are helpful.
16. Members who are in doubt about the requirements of the new code of conduct, or what action they may be required to take in any particular circumstances in which they find themselves, may of course seek personal advice from Clare Bevan or myself at any time.
17. Finally, I should point out to members that the adoption of a new code of conduct inevitably means that members all have to complete a fresh registration of their personal interests. To assist members, a new form has been drawn up, and each member’s existing registered interests transferred onto it. Every member needs to check this form, update it where necessary – noting carefully that the interests which need to be declared under the new code are not identical to those which had to be declared under the old code – and **return the completed form to me not later than 28th August 2007.**

RECOMMENDATIONS

18. That the Authority adopt, with effect from 1 August 2007, the document set out as Appendix 2 to this report as the code of conduct which is expected of members of the Authority, and of co-opted members on Committees.
19. That the Authority retain its existing statement on bullying and harassment.

20. That in future, declarations of personal interests by members should be dealt with on an item by item basis at all meetings where such declarations are required.
21. That declarations of lobbying continue to be dealt with as a separate single agenda item, prior to the substantive business on the agenda.
22. That the Authority decide whether it wishes the training on the new code of conduct, originally given on 19 July, to be repeated.

Richard Daly
Solicitor / Monitoring Officer

12 July 2007

Background documents:

The Local Authorities (Model Code of Conduct) Order 2007
Email dated 4th April 2007 from the Standards Board
Standards Board Guide for Members, May 2007

THE MODEL CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. —(1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State.

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a

criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

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

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

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

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

- (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

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

6. You—

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

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

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

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

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

Part 2

Interests

Personal interests

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

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

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

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

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

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

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

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

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

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

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

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

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

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

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

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

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

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

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

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

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

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. —(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that

interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

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

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

Effect of prejudicial interests on participation

12. —(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

- (b) you must not exercise executive functions in relation to that business; and

- (c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

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

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

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

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

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Yorkshire Dales National Park Authority

Preamble to the Code of conduct for Members

(This preamble is not part of the Code of Conduct).

The Yorkshire Dales National Park Authority adopted the following code of conduct for Members at its meeting on 31st July 2007. The code has to be read together with the general principles of conduct prescribed by the Secretary of State, which are as follows:

The General Principles of Conduct

Selflessness

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

Honesty and Integrity

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

Objectivity

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

Accountability

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

Openness

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

Personal Judgement

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

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to uphold the law

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

Stewardship

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

Leadership

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

[End of preamble to the Code of Conduct]

The Yorkshire Dales National Park Authority Code of Conduct

Part 1: General Provisions

Introduction and interpretation

1. —(1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State, which are set out as a preamble to this Code.

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—
"meeting" means any meeting of—

(a) the authority;

(b) any of the authority's committees, sub-committees, joint committees, or joint sub-committees;

"member" includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006 and set out in the Annex to this Code);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

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

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

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

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

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

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

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

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

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

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

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

6. You—

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

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

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

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

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

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

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

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

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

Part 2: Interests

Personal interests

8. —(1) You have a personal interest in any business of your authority where either—
(a) it relates to or is likely to affect—

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

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

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

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

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

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

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

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

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

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

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

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

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

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

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

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

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

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

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

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. —(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(ii) an allowance, payment or indemnity given to members;

(iii) any ceremonial honour given to members; and

(iv) setting council tax or a precept under the Local Government Finance Act 1992.

Effect of prejudicial interests on participation

11. —(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee; and

(b) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting, but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3: Registration of Members' Interests

Registration of members' interests

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

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

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

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

Sensitive information

13. —(1) Where you consider that the information relating to any of your personal

interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

The Equality Enactments: as defined in Section 33 of the Equality Act 2006

- The Equal Pay Act 1970
- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Disability Discrimination Act 1995
- Part 2 of the Equality Act 2006 (which deals with discrimination on grounds of religion or belief)
- Regulations made under Part 3 of the Equality Act 2006 (which deals with discrimination or harassment on grounds of sexual orientation)
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Religion or Belief) Regulations 2003
- The Employment Equality (Age) Regulations 2006