

DATE: 29 October 2024
MY REF: Grievance & Standards Committee
YOUR REF:
CONTACT: Democratic Services
TEL NO: 0116 272 7640
EMAIL: committees@blaby.gov.uk

To Members of the Grievance & Standards Committee

Cllr. Maggie Wright (Chairman)
Cllr. Lee Breckon (Vice-Chairman)

Cllr. Nick Brown

Cllr. Mike Shirley

Cllr. Paul Hartshorn

Dear Councillor,

A meeting of the **GRIEVANCE & STANDARDS COMMITTEE** will be held in the Council Chamber - Council Offices, Narborough on **WEDNESDAY, 6 NOVEMBER 2024 at 5.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully



Gemma Dennis
Corporate Services Group Manager & Monitoring Officer



AGENDA

1. Apologies for absence
2. Disclosures of interest from Members
3. Review of the Councillor Complaint Form and Guidance Notes (Pages 3 - 34)

For Members to review the Councillor Complaint Guidance Notes and Complaint Form.

4. Review of the Constitution

An update will be provided by the Corporate Services Group Manager & Monitoring Officer at the meeting.

Guidance note for Complaints regarding Alleged Breaches of the Member's Code of Conduct (Standards Complaint)

Can your complaint be resolved informally?

It is advisable to speak to the Monitoring Officer (or the relevant Parish Clerk) in the first instance in all cases as there may well be a more informal approach that can be followed.

Also if you are not clear on what grounds your complaint can be considered contacting the Monitoring Officer or the Parish Clerk may help to clarify the process for you.

Are you using the correct form?

The points listed below will help you decide whether this is the correct form to use when making your complaint.

Your complaint must be about conduct that occurred while the member(s) complained about held office. Conduct of an individual before they were elected, co-opted or appointed as a Councillor to the authority, or after they have resigned or otherwise ceased to be a member, cannot be considered.

Your complaint must be about one or more named members of the following local authorities:

Blaby District Council

Parish/Town Councils

Blaby Parish Council
Braunstone Town Council
Cosby Parish Council
Countesthorpe Parish Council
Croft Parish Council
Elmesthorpe Parish Council
Enderby Parish Council
Glen Parva Parish Council
Glenfield Parish Council

Huncote Parish Council
Kirby Muxloe Parish Council
Leicester Forest East Parish Council
Lubbesthorpe Parish Council
Narborough Parish Council
Sapcote Parish Council
Sharnford Parish Council
Stoney Stanton Parish Council
Thurlaston Parish Council
Whetstone Parish Council

Your complaint must be that the member(s) has, or may have, breached the Code of Conduct. A copy of the Blaby District Council Code of Conduct is available on the Council website. Parish Council Codes of Conduct are available from the relevant Parish/Town Council Clerk.

You may also contact the Monitoring Officer if you require further information. Complaints about dissatisfaction with a decision or action of the Council or one of its committees, a service provided by the Council or the Council's procedures do not fall within the jurisdiction of a standards complaint. Complaints about the actions of people employed by the Council also do not fall within the jurisdiction of the standards complaint process.

Your complaint must be in writing. If a disability prevents you from making your complaint in writing you may contact the Monitoring Officer for assistance.

It is important to note that not all complaints received will be referred for investigation or other action. The Monitoring Officer will decide whether this is appropriate. If the Monitoring Officer decides not to refer your complaint for investigation or other action he will give you the reasons for this decision.

How should I set out my complaint?

It is very important that you set your complaint out fully and clearly, and provide all the information at the outset. You should also provide any documents or other material that you wish to be considered.

The Council recommends that you use the complaint form or provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation please cross-reference it against the summary of your complaint.

You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of proceedings, you do have to demonstrate that you have reasonable grounds for believing that the member(s) complained about has breached the Code of Conduct.

What happens once you submit your complaint?

When you submit your complaint the Council will write to you to let you know it has been received.

The Monitoring Officer has the discretion to take the administrative step of acknowledging receipt of the complaint and telling the subject member that a complaint has been made about them.

The Monitoring Officer will consider your complaint and decide whether it should be referred for investigation or other action. This will normally happen within an average of 20 working days from the date the Council receives your complaint, however, in some cases, the Monitoring Officer may decide to ask for an independent opinion. This will normally take longer, however the Monitoring Officer will keep you informed if this is the case.

Once the Monitoring Officer has considered the case, you will be notified if any further action is appropriate.

The Monitoring Officer will either close the case, or prepare a report to be taken before the Standards Committee for their consideration. As the Standards Committee only meet 6 to 7 times each year, there might be a delay between the Monitoring Officer's consideration and the Standards Committee decision, although this will not normally be greater than three months. If the complaint is taken to the Standards Committee, you will be informed of the date when the committee will make their consideration.

A decision notice will be issued to you once the Monitoring Officer or the Standards Committee have made their decision.

How to fill in your complaint form.

Section 1 - Who is your complaint about?

In order to help us focus your request we need to know if your complaint is about a District or Parish/Town Councillor, and where they are a member.

Section 2 and 3 - About you

Your address and contact details will not usually be released unless it is necessary in dealing with your complaint.

The following may be informed of your details as part of the complaints investigation process:

- The Monitoring Officer of the District Council
- The Parish Clerk (if applicable)
- Dependent upon the decision, the member (s) you are complaining about.

We will give your name and a summary of your complaint. We will give them full details of your complaint where it is necessary or appropriate.

If you have serious concerns about your name and a summary, or details of your complaint being released, please see section 6 - Confidentiality.

Section 4 and 5 – Your complaint

These sections are vital to enable the Monitoring Officer to be able to investigate your complaint as efficiently as possible. Please ensure you have the correct names and details of the Member (s) you are complaining about.

Should you need to please use separate sheets to continue your complaint, please write your name on the sheets to ensure they do not get separated from your main complaint form.

If you are complaining about more than one member you should clearly explain what each individual has done which you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken in to account by the Monitoring Officer when he decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should explain where there are any witnesses to the alleged conduct and provide their names and contact details if available.
- You should provide any relevant background information.

Section 6 – Confidentiality

During the initial assessment phase the Council will not normally inform the member (s) who have been complained about. If the Monitoring Officer decides that no action should be taken then again the Council may feel that your identity should be kept confidential.

If, however, the Monitoring Officer has decided that some other form of action should be taken e.g. that the matter be referred for investigation then, in the interests of fairness and natural justice, the Council believes that Members who are complained about have the right to know who has made the complaint.

The Council also believes they have the right to be provided with a summary of the complaint. In these circumstances the Council is unlikely to withhold the details of your complaint unless you have a good reason for example:

- You have reasonable grounds for believing that you would be at risk of physical harm.
- You are an officer who fears the consequences for your employment.

- You would suffer medical risks.

Please note that requests for confidentiality or requests for suppression of complaints will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. The Council will then contact you with the decision, if your request for confidentiality is not granted, you will usually be allowed the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, the Council can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

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Complaints Form - Alleged Breaches of the Members Code of Conduct

Introduction

You can complain to the Council's Monitoring Officer that a Councillor has not observed the statutory Code of Conduct for Members.

When making a complaint relating to the Code of Conduct the complaint must state why you think a District Councillor, or a Councillor of a Parish/Town Council has not followed the Code of Conduct.

The Monitoring Officer can only deal with complaints about the behaviour of a member of the District Council or a member of one of the Parish or Town Council's within Blaby District. He will not deal with complaints about matters that are not covered by the Councillors' Code of Conduct such as standards of Council service. The Monitoring Officer can decide to refer complaints to the Council's Standards Committee.

If you wish to make a complaint about a Blaby District Council service, please refer to the Council's own complaint form which is available online, on request or from the Council Offices. In the case of a complaint about a Parish/Town Council service please contact the Parish/Town Council Clerk.

For further details of the bodies covered and information on making your complaint please refer to the 'Councillor Complaint Guidance Notes' (available on the Councils website).

Before making a complaint, it is advisable to contact the Monitoring Officer or the relevant Parish Clerk as they may be able to assist you in understanding what issues are covered by the Code or where matters may be dealt with more informally.

Please note Members is another name for Councillors and includes co-opted Members.

1. Who is your complaint about?

Please tick one.

☐

District Councillor

☐

Parish/Town Councillor

Name of the Authority, (Parish or Town Council):

2. About you

Title	
First Name	
Last Name	
Address	
Daytime Telephone	
Mobile Telephone	
Email Address	

3. Which best describes you?

Please tick one.

Member of the public	
An elected or co-opted member of an authority	
An independent member of the Standards Committee	
Member of Parliament	
Local Authority Monitoring Officer	
Other Council Officer or Authority employee	

4. Name of the Member(s) your complaint relates to:

Title	First Name	Last Name	Authority Name

5. Details of your complaint

For help on completing this section please refer to the 'Councillor Complaint Guidance Notes' (available on the Councils website), continue on to a separate sheet if necessary.

6. Confidentiality

Only complete this section if you are requesting that your identity or details of your complaint be kept confidential – for an explanation please refer to the ‘Councillor Complaint Guidance Notes’ (available on the Councils website) pages 4 and 5.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint.

7. Additional Help

If you need any support in completing this form, please let us know as soon as possible. You should initially contact the Council’s Monitoring Officer (whose contact details are given below) who will try to arrange appropriate assistance for you.

The Council can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

The Council can also help if English is not your first language.

Signed:

Dated:

This form once completed should be sent in an envelope marked “Code Complaint - Confidential” along with any supporting documents, to the address below or email monitoring@blaby.gov.uk:

The Monitoring Officer
Blaby District Council
Council Offices
Narborough
Leicester
LE19 2EP
Telephone: 0116 272 7636

Privacy Notice

Blaby District Council (BDC) is the data controller collecting this personal information from you. BDC can be contacted by telephone on 0116 275 0555 or email customer.services@blaby.gov.uk

Council Service	Complaints about Councillors
The information we are collecting from you	Name, address, contact information, details of your complaint which may include information about you.
Why we use it	To consider your complaint regarding a Member of the Council or a Parish Council for alleged breach of the Member's Code of Conduct.
Why we are allowed to use your information	We are allowed to use your information because it is necessary for the performance of a task carried out in the public interest, or so that we can undertake our official duties relating to the Members Code of Conduct set out in the Local Government Act 2000.
Who we may share it with	Information may be shared with independent persons (external individuals appointed to investigate complaints) or the police as part of investigations, the relevant Parish Clerk and Blaby District Councils Monitoring Officer. We may also share your information with other regulatory or law enforcement bodies where it is lawful to do so.

We do not use computers to make any decisions about you, and we do not send your information to other countries.

How long we keep your information, depends on why we need it, but we will only keep information for as long as there is a legal or business need for us to do so. You can find out how long we keep information for in our Records Retention Schedule available on the Council's website.

You have a number of legal rights in respect of your personal data which are: the right to be informed about how it is being used and why; the right the right of access to it to check that we are acting lawfully and, in some cases, the right to rectify it or to have it erased; the right to restrict our processing of it; the right of data portability; and the right to object to automated decision taking.

Contact us

If you have any questions about the way in which Blaby District Council handles your personal information, or want to raise a concern, you may contact:

Name: Louisa Horton, Data Protection Officer
Telephone: 0116 275 0555
Email: gdpr@blaby.gov.uk

You can also contact the Information Commissioner's Office (The ICO) to find out more about your rights as a data subject (a person that we hold personal data about) if you think there is a problem by email to casework@ico.org.uk or by telephone on 0303 123 1113. You can also visit the ICO's website www.ico.org.uk

Blaby District Council Member Code of Conduct

BACKGROUND TO THIS CODE OF CONDUCT

This section sets out general interpretation and background to the Code of Conduct, including definitions used within the code, the purpose of the code, the principles the code is based on and when the code applies. It does not form part of the Code of Conduct itself and consequently does not contain any obligations for you to follow, as these are contained in the 'Code of Conduct' section below.

All councils are required to have a local Member Code of Conduct.

Definitions

For the purposes of this Code of Conduct, a “member” means a member or co-opted member of Blaby District Council (‘the Council’).

A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow members, Council officers and the reputation of the council and local government. It sets out general principles of conduct expected of all members and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of member and local government.

General principles of member conduct

Everyone in public office at all levels; i.e. all who serve the public or deliver public services, including ministers, civil servants, members and council officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles, which are set out in Appendix A.

Building on these principles, the following general principles have been developed specifically for the role of member and these principles underpin the obligations in the Code of Conduct that follows.

In accordance with the public trust placed in you, you should:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of member.

In undertaking your role you should:

- impartially exercise your responsibilities in the interests of the local community
- do not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence;
- ensure that public resources are used prudently in accordance with your Council's requirements and in the public interest; and
- uphold high standards of conduct, show leadership at all times and not misuse your position when acting as a member

Application of the Code of Conduct

This Code of Conduct applies to you as a member or co-opted member of the Council. It applies as soon as you sign your declaration of acceptance of the office of member or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a member.

This Code of Conduct applies to you when you:

- act in your capacity as a member or co-opted member of the Council; and
- conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed).

Where you act as a representative of the Council:

- on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- on any other body, you must, when acting for that other body, comply with this Code of Conduct, except insofar as it conflicts with any other lawful obligations to which that other body may be subject.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct. It is your responsibility to comply with the provisions of this Code and to ensure all its obligations are met. You are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct which you are unsure of. [Town and parish members are encouraged to seek advice from their Clerk (who may refer matters to the Monitoring Officer).]

THE CODE OF CONDUCT

Standards of member conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a member. Should your conduct be perceived to fall short of these standards or the Nolan Principles, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a member:

1.1 I will treat others with respect.

1.2 I will treat council officers, employees and representatives of partner organisations and those volunteering for the council with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in members.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and notify them to the Council, the relevant social media provider or the police. This also applies to fellow members, where action could then be taken under the Member Code of Conduct, and council officers where concerns should be raised in line with the council's member-officer protocol.

2. Bullying, harassment and discrimination

As a member:

2.1 I will not bully any person.

2.2 I will not harass any person.

2.3 I will promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the Council

As a member:

3.1 I will not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the council.

Officers work for the council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a member:

4.1 I will not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**

- ii. **I am required by law to do so;**
- iii. **the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- iv. **the disclosure is:**
 - 1. **reasonable and in the public interest; and**
 - 2. **made in good faith and in compliance with the reasonable requirements of the Council; and**
 - 3. **I have consulted the [Monitoring Officer] prior to its release.**

4.2 I will not improperly use knowledge gained solely as a result of my role as a member for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I will not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a member:

5.1 I will not bring my role or Council into disrepute or conduct myself in a manner which could reasonably be regarded as bringing my role or Council into disrepute.

As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other members and/or the Council and may lower the public's confidence in your or the Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Council into disrepute.

You are able to hold the Council and fellow members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a member:

- 6.1 I will not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**
- 6.2 I will not place myself under a financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.**

Your position as a member of the Council provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

As a member you need to be able to act impartially in the exercise of your responsibilities and ensure that you make decisions in the interests of the local community. You should therefore avoid any financial or other obligations to outside individuals or organisations whose influence may prevent you from acting impartially.

7. Use of Council resources and facilities

As a member:

- 7.1 I will not misuse council resources.**
- 7.2 I will, when using the resources of the Council or authorising their use by others:**
 - a. act in accordance with the Council's requirements; and**
 - b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the Council to assist you in carrying out your duties as a member.

Examples include:

- office support
- stationery
- equipment such as phones, ipads, dongles computers etc.
- transport
- access and use of council buildings and rooms.

These are given to you to help you carry out your role as a member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the council's own policies regarding their use.

8. Making decisions

As a member:

- 8.1 When reaching decisions on any matter I will have regard to any relevant advice provided to me by officers and professional third parties.**
- 8.2 I will give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed.**
- 8.3 I will make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on individual and independent merit**
- 8.4 I will be as open as possible about my decisions and actions and the decisions and actions of the authority and will be prepared to give reasons for those decisions and actions, notwithstanding my other obligations under this Code.**

To assist members in acting lawfully, officers may give advice from time to time. It is important that as a member you have due regard to any such advice given and consider it fully, even if (for good reason) you may choose not to follow that advice.

In making any decisions, giving reasons helps instil public confidence in the role of the member and can be a legal requirement in certain situations. You should ensure that you always give reasons in accordance with any specific requirements and having regard to the benefits of transparency generally.

As a member you must act impartially and not improperly seek to confer an advantage, or disadvantage, on any person. It is therefore important that when you are making decisions that involve choosing one party over another, that you do so based on independent merit. You should be open and transparent about the decisions that you have made and the actions of the authority.

9. Complying with the Code of Conduct

As a Member:

- 9.1 I will undertake Code of Conduct training provided by my Council.**
- 9.2 I will cooperate with any Code of Conduct investigation and/or determination.**

9.3 I will not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

9.4 I will comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Council or its governance. If you do not understand or are concerned about the council's processes in handling a complaint you should raise this with the Monitoring Officer.

Protecting your reputation and the reputation of the Council

10. Interests

As a member:

10.1 I will register and disclose my interests in accordance with the provisions set out in Appendix B

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, Council employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as defined in Appendix B, is a criminal offence under the Localism Act 2011.

The provisions of this paragraph 10.1 shall be applied in such a manner as to recognise that this Code of Conduct should not obstruct a member's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision-making at one local authority will not by itself normally prevent you from taking part in discussion and decision-making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to an interest which might lead to bias in exceptional circumstances.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer, or from the clerk in the case of town and parish councils.

11. Gifts and hospitality

As a member:

- 11.1 I will not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.**
- 11.2 I will register with the [Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 11.3 I will register with the [Monitoring Officer] any significant gift or hospitality with an estimated value of at least £50 that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a member. If you are unsure, do contact the Monitoring Officer or Clerk for guidance.

12. Dispensations

As a member:

- 12.1 I may request a dispensation from the [Monitoring Officer] for one meeting only.**
- 12.2 I must make the request in writing detailing what my interest is, why the dispensation is required and for what meeting.**
- 12.3 I must make my request 5 days prior to the meeting at which the Dispensation is required.**
- 12.4 If I wish to make a further request for dispensation, this must be made to the [Audit and Standards Committee].**

12.5 I will only be granted a Dispensation where there are reasonable grounds for doing so and where such grounds are in the public interest.

Appendix B sets out the situations where a Member's personal interest in a matter may prevent them from participating in the decision-making process. In certain circumstances, however, there may be reasonable grounds to allow a Member to participate in decision-making on that matter where it would be in the public interest to do so. Where you consider that there may be good grounds for you to continue to participate you should request a dispensation from the Monitoring Officer.

Appendices

Appendix A – The Seven Principles of Public

Life The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

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 disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B – Interests

1. Definitions

“Disclosable Pecuniary Interest” means any interest described as such in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#) and includes an interest of yourself, or of your Partner (if you are aware of your Partner's interest) that falls within the descriptions set out in the following table. A Disclosable Pecuniary Interest is a Registerable Interest.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her 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.
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over

Subject	Description
	land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the council; and the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the council; and (b) either— (i)) 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 the member, or his/ her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

"Other Registerable Interest" is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
 - (i) exercising functions of a public nature
 - (ii) anybody directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

"Registrable Interests" are interests that you are required to register in accordance with this Code of Conduct and include both Disclosable Pecuniary Interests and Other Registerable Interests.

"Non-Registrable Interests" are interests that you are not required to register but need to be disclosed in accordance with section 3.3.

A **"Dispensation"** is agreement that you may continue to participate in the decision-making process notwithstanding your interest as detailed at section 12 of the Code of the Conduct and this Appendix B.

A **"Sensitive Interest"** is as an interest which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation. In any case where this Code of Conduct requires to you to disclose an interest (subject to the agreement of the Monitoring Officer in accordance with paragraph 2.2 of this Appendix regarding registration of interests), you do not have to disclose the nature of the interest, if it is a Sensitive Interest. In such circumstances you just have to disclose that you have an interest.

A matter **"directly relates"** to one of your interests where the matter is directly about that interest. For example the matter being discussed is an application about a particular property in which you or somebody associated with you has a financial interest.

A matter “**affects**” your interest where the matter is not directly about that interest but would still have clear implications for the interest. For example, the matter concerns a neighbouring property.

2. Registering Interests

2.1. Within 28 days of becoming a member or co-opted member or your re-election or re-appointment to office you must register with the Monitoring Officer any Disclosable Pecuniary Interests and any Other Registerable Interests.

2.2. Where you have a Sensitive Interest you must notify the Monitoring Officer with the reasons why you believe it is a Sensitive Interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

2.3. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

3. Declaration at and Participation in Meetings

If you are present at a meeting and you have either a Registerable or Non-Registerable Interest in any matter to be considered or being considered, and the interest is not a Sensitive Interest, you must disclose that interest to the meeting (whether or not it is registered).

To determine whether your interest affects your ability to participate in a meeting, you must first determine what type of interest you have and, if necessary, go on to apply the tests as set out below.

3.1. Disclosable Pecuniary Interests

3.1.1. Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests:

- a. you must disclose the interest;
- b. not participate in any discussion or vote on the matter; and
- c. must not remain in the room unless you have been granted a Dispensation.

3.2. Other Registerable Interests

3.2.1. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests:

- a. you must disclose the interest;

- b. may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
- c. must not remain in the room unless you have been granted a Dispensation.

3.2.2. The provisions of paragraph 3.1.1 and 3.2.1 shall be applied in such a manner as to recognise that this Code should not obstruct a member's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to a Personal Interest which might lead to bias in exceptional circumstances'

3.3. Non-Registerable Interests

3.3.1. Where a matter arises at a meeting which **directly relates** to a financial interest or the well-being of yourself or of a friend, relative or close associate (and is not a Registerable Interest):

- a. you must disclose the interest;
- b. may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
- c. must not remain in the room unless you have been granted a Dispensation.

3.3.2. Where a matter arises at a meeting which does not directly relate to but **affects**

- a. a financial interest or the well-being of yourself or of a friend, relative or close associate; or
- b. a financial interest or wellbeing of a body included in those you need to disclose under Other Registerable Interests

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test in paragraphs 3.3.3 and 3.3.4 should be applied.

3.3.3. Where a matter under paragraph 3.3.2 **affects** the financial interest or well-being or body:

- a. to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision; and
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest;

you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a Dispensation.

3.3.4. Where a matter under paragraph 3.3.2 does not affect the financial interest or well-being or body:

- a. to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision; and/or
- b. a reasonable member of the public knowing all the facts would not believe that it would affect your view of the wider public interest;

you may remain in the room, speak if you wish to and take part in any discussion or vote on the matter, provided you have disclosed your interest under paragraph 3.3.2.



