

APPENDIX I

PRESENT	PROPOSED
	<p>PART 1 - GENERAL PROVISIONS</p> <p><i>Interpretation</i></p> <p>In this code-</p> <p>“meeting” means any meeting of</p> <ul style="list-style-type: none"> (a) the authority (b) (c) any of the authority’s ... committees, sub-committees, joint committees, joint sub-committees, or area committees; <p>“member” includes a co-opted member;</p> <p>“the authority’s monitoring officer”, in relation to parish councils, is construed as referring to the monitoring officer of the district council ... which has functions in relation to the parish council for which it is responsible under section 55(2) of the Local Government Act 2000; and</p> <p>“the authority’s standards committee”, in relation to parish councils, is construed as referring to the standards committee of the district council ... which has functions in relation to the parish council for which it is responsible under section 55(2) of the Local Government Act 2000.</p>
<p>PART 1 - GENERAL PROVISIONS</p> <p>1. Scope</p> <p>1.1 A member must observe the authority’s code of conduct whenever he:</p> <ul style="list-style-type: none"> (a) conducts the business of the authority (b) conducts the business of the office to which he has been elected or appointed; or (c) acts as a representative of the authority. <p style="padding-left: 40px;">and references to a member’s official capacity shall be construed accordingly.</p> <p>1.2 The authority’s code of conduct shall not, apart from paragraphs</p>	<p>1.1 No change save that for the wording being revised to refer to “he or she”.</p> <p>4 refers to bringing the council or office into disrepute, 5.1 deals with seeking to secure an</p>

<p>4 and 5.1 below, have effect in relation to the activities of a member undertaken other than in an official capacity.</p> <p>1.3 Where a member acts as a representative of the authority:-</p> <p>(a) On another relevant authority he must, when acting for that other authority, comply with that other authority's code of conduct; or</p> <p>(b) On any other body, he must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.</p> <p>(c) In this code, "member" includes a co-opted member of the authority.</p>	<p>improper advantage/detriment. A new exception is added regarding intimidation of persons making allegations of a breach of the code or witnesses in such proceedings</p> <p>1.2 1.3.(a) & (b) No change save that for the wording being revised to refer to "he or she".</p> <p>Deleted as now in the interpretation paragraph</p>
<p>General Obligations</p> <p>A member must: -</p> <p>2.1 promote equality by not discriminating unlawfully against any person;</p> <p>2.2 treat others with respect; and</p> <p>2.3 not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.</p>	<p>General Obligations</p> <p>2 (1) A member must treat others with respect.</p> <p>2(2) A member must not:-</p> <p>(a) do anything which may seriously prejudice his or her authority's ability to comply with any of its statutory duties under the equalities enactments (as defined in section 33 of the Equalities Act 2006)</p> <p>(b) bully any person</p> <p>(c) in his or her official capacity or in any other circumstance intimidate or attempt to intimidate any person who is or is likely to be-</p> <p>(i) a complainant</p> <p>(ii) a witness, or</p> <p>(iii) supporting the administration of any investigation or proceedings, in relation to an allegation that a member has failed to comply with his or her authority's code of conduct</p> <p>(d) do anything which compromises or is likely to</p>

	compromise the impartiality of those who work for, or on behalf of, the authority.
<p>3. A member must not: -</p> <p>3.1 disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; nor</p> <p>3.2 prevent another person from gaining access to information to which that person is entitled by law.</p>	<p>3. A member must not: -</p> <p>3.(a) disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, except where-</p> <p>(i) he or she has the consent of a person authorised to give it</p> <p>(ii) he or she is required by law to do so</p> <p>or</p> <p>(iv) the disclosure is-</p> <p>(aa) reasonable and in the public interest;</p> <p>(bb) made in good faith and does not breach any reasonable requirements of the authority</p> <p>3.(b) as 3.2</p>
<p>4. A member must not in his official capacity, or any other circumstance, conduct himself in a manner, which could reasonably be regarded as bringing his office or authority into disrepute.</p>	<p>Remains as 4(1) amended to refer to he/she. The following is added:-</p> <p>4(2) The conduct referred to in paragraph (1) may include a criminal offence including one committed by a member before taking office but for which he or she is not convicted until after that date.</p>
<p>5. A member: -</p> <p>5.1 must not in his official capacity, or any other circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage; and</p> <p>5.2 must, when using or authorising the use by others of the resources of the authority: -</p> <p>(a) act in accordance with the authority's requirements; and</p> <p>(b) ensure that such resources are not used for political purposes unless that use could</p>	<p>5.(a) Amended to refer to he/she and to include a requirement not to attempt to use the position to obtain an improper advantage or disadvantage.</p> <p>5.(b) must, when using or authorising the use by others of the resources of the authority: -</p> <p>(a) act in accordance with the authority's requirements; and</p> <p>(a) ensure that such resources are not used improperly for political purposes (including party political purposes); and</p> <p>(b) have regard to any Local Authority Code of Publicity made under the Local Government Act 1986</p>

<p>reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed.</p>	
<p>6. A member must when reaching decisions have regard to any relevant advice provided to him by:</p> <p>(a) the authority's Chief Finance Officer acting in pursuance of his duties under section 114 of the Local Government Finance Act 1988 or an equivalent provision in any regulations made under section 6(6) of the Local Government and Housing Act 1989; and</p> <p>(b) the authority's Monitoring Officer acting in pursuance of his duties under section 5(2) of the Local Government and Housing Act 1989.</p>	<p>6. A member must when reaching decisions have regard to any relevant advice provided to him by:</p> <p>(a) the authority's chief finance officer; and</p> <p>(b) the authority's monitoring officer; and</p> <p>(a) give the reasons for those decisions in accordance with the authority's and any statutory requirements</p>
<p>7. A member must, if he becomes aware of any conduct by another member which he reasonably believes involves a failure to comply with the authority's code of conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him to do so.</p>	<p>Deleted</p>
<p>PART 2 - INTERESTS</p>	<p>PART 2 - INTERESTS</p>
<p>8. Personal Interests</p> <p>8.1 A member must regard himself as having a personal interest in any matter if the matter relates to</p>	<p>7. A member has a personal interest in any matter where –</p> <p>(a) it relates to –</p> <p>(i) any employment or business carried on by the member</p>

<p>an interest in respect of which notification must be given under Paragraph 12 below, or if a decision might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers, or inhabitants of the authority's area, the well-being or financial position of himself, a relative or a friend or: -</p> <p>(b) any employment or business carried on by such persons;</p> <p>(c) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;</p> <p>(c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or</p> <p>(d) any body listed in paragraph 12.2 below in which such persons hold a position of general control or management.</p>	<p>(ii) any person who employs or has appointed the member</p> <p>(iii) any person, other than a relevant authority, who has made a payment to the member in respect of his or her election or any expenses incurred by him or her in carrying out his or her duties;</p> <p>(iv) any corporate body which has a place of business or land in the authority's area, and in which the member has a beneficial interest in a class of securities for that body that exceeds the nominal value of £25,000 or one hundredth of the total issues share capital of that body (whichever is the lower);</p> <p>(v) any contract for goods, services or works made between the authority and the member or a firm in which he or she is a partner or, a company of which he or she is a remunerated director, or a body of the description specified in paragraph (iv)</p> <p>(vi) any gift or hospitality over the value of £25 received by the member</p> <p>(vii) any land in the authority's area in which the member has a beneficial interest</p> <p>(viii) any land where the landlord is the authority and the tenant is the member or a firm in which he or she is a partner, a company of which he or she is a remunerated director, or a body of the description specified in paragraph (iv)</p> <p>(ix) any land in the authority's area in which the member has a licence (alone or jointly with others) to occupy for 28 days or longer</p>
<p>8.2 In this paragraph: -</p> <p>(a) "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece or the spouse or partner of any of the preceding persons; and</p> <p>(b) "partner" in paragraph 8.2.(a) above means a member of a couple who live together.</p>	<p>(b) it relates to his or her membership of or position of general control or management in any –</p> <p>(i) body to which the member is appointed or nominated by the authority</p> <p>(ii) public authority or body exercising functions of a public nature</p> <p>(iii) company, industrial and provident society, charity or body directed to charitable purposes</p> <p>(iv) body whose principal purposes include the influence of public opinion or policy, including any political party: and</p>

	<ul style="list-style-type: none"> (v) trade union or professional association; or (c) a decision on the matter might reasonably be regarded as affecting the well being or financial position of - <ul style="list-style-type: none"> (i) the member, one of the member's family or a friend, or any person with whom the member has a close personal association; or (ii) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors (iii) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5000; or (iv) any body listed in paragraphs (i) to (v) of sub-paragraph (b) in which such persons hold a position of general control or management <p>to a greater extent than the majority of –</p> <ul style="list-style-type: none"> (aa) 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 (cc) in all other cases, council tax payers, ratepayers or inhabitants of the authority's area
<p>9. Disclosure of Personal Interests</p> <p>A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.</p>	<p>8. Disclosure of Personal Interests</p> <p>This paragraph becomes sub-paragraph 8(1). The following sub-paragraphs are added:-</p> <p>8(2) A member with a personal interest in a matter which is a public service interest, need only disclose to that meeting the existence and nature of that interest when he or she addresses the meeting on that matter.</p> <p>8(3) A member with a personal interest of the type mentioned in paragraph 7(a)(vi) need not disclose the nature or existence of that interest to the meeting if the interest was registered more than five years before the date of the meeting</p> <p>8(4) In relation to a personal interest of a family member, a friend or any person with whom the member has a close personal association, sub-</p>

	<p>paragraph (1) only applies where the member is aware or ought reasonably to be aware of the interest.</p> <p>8(5) Where, by virtue of paragraph 13, sensitive information relating to a member is not registered in the authority's register of members interests (maintained under section 81(1) of the Local Government Act 2000), a member with a personal interest must indicate to the meeting that he or she has a personal interest, but need not disclose the sensitive information to that meeting</p> <p>8(6) ...</p> <p>8(7) In this paragraph –</p> <p>(a) a member has a public service interest in a matter where that matter relates to –</p> <p>(i) another relevant authority of which he or she is a member;</p> <p>(ii) another public authority in which he or she holds a position of general control or management; or</p> <p>(iii) a body to which he or she is appointed or nominated by the authority</p> <p>(b) ...</p>
<p>10. Prejudicial Interests</p> <p>10.1 Subject to sub-paragraph 10.2 below, a member with a personal interest in a matter also has a prejudicial interest in that matter if 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 the member's judgement of the public interest.</p> <p>10.2 A member may regard himself as not having a prejudicial interest in a matter if that matter relates to: -</p> <p>(a) another relevant authority of which he is a member;</p>	<p>9. Prejudicial Interests</p> <p>Basically unchanged but also subject to s.9(3) below.</p> <p>9(2) A member does not have a prejudicial interest in a matter where –</p> <p>(a) he or she has a public service interest in the matter unless –</p> <p>(i) the matter relates to the financial affairs of the body to which that public service interest relates; or</p> <p>(ii) the matter relates to the determining of any approval, consent, licence or permission or registration in relation to that body.</p> <p>(b) Replicates 10.2 (e) – (g) with minor amendments. Arrears no longer disqualify a member from debate on housing issues. School governors are now exempt. Three new categories are added namely the giving</p>

<p>(b) another public authority in which he holds a position of general control or management;</p> <p>(c) a body to which he has been appointed or nominated by the authority as its representative;</p> <p>(d) the housing functions of the authority where the member holds a tenancy or lease with a relevant authority, provided that he does not have arrears of rent with that relevant authority of more than two months, and provided that those functions do not relate particularly to the member's tenancy or lease;</p> <p>(f) the functions of the authority in respect of school meals, transport and travelling expenses, where the member is a guardian or parent of a child in full time education, unless it relates particularly to the school which the child attends;</p> <p>(g) the functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 where the member is in receipt of, or is entitled to the receipt of such pay from a relevant authority; and</p> <p>(g) any functions of the</p>	<p>of indemnities, bestowing the title of freeman on a member and setting council tax.</p> <p>9(3) A member does not have a prejudicial interest in a matter where he or she attends a meeting for the purpose of making representations, answering questions or giving evidence relating to the matter, provided the meeting agrees that the member may do so and after making representations, answering questions or giving evidence the member withdraws from the room where the meeting is being held.</p> <p>9(4) In this paragraph a member has a public service interest in a matter where that matter relates to –</p> <p>(a) any of the matters referred to in paragraph 8(7)(a) or</p> <p>(b) a charity, a lobbying or philanthropic body of which he or she is a member.</p>
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<p>authority in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972 or Section 18 of the Local Government and Housing Act 1989.</p>	
	<p>Overview and Scrutiny Committees 10(1) For the purposes of this Part, a member has a prejudicial interest where he or she is involved in the consideration of a matter at a meeting of an overview and scrutiny committee of the authority of a sub-committee of such a committee and that consideration relates to a decision made (whether implemented or not), or action taken by – (a) ... (b) another of the authorities (i) committees or sub-committees; or (ii) joint committees or joint sub-committees of which he or she is, or was at the time of the decision or action a member and he or she was present for the consideration of that matter 10(2) But sub-paragraph 1 does not apply where that member attends the meeting of the overview and scrutiny committee for the purpose of answering questions or otherwise giving evidence relating to that decision or action</p>
<p>11. Participation in Relation to Disclosed Interests 11.1 A member with a prejudicial interest in any matter must: - (a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation from the authority's standards committee; and</p>	<p>11. Participation in Relation to Disclosed Interests Basically unchanged although it is made subject to exemption in new paragraphs 11(2) & (3). The current 11(2) is deleted as it is dealt with under the interpretation in the preamble. 11(2) A member with a prejudicial interest in a matter may, unless that interest is of a financial nature or of the type described in paragraph 10 participate in a meeting of the authorities – (a) overview and scrutiny committees and (b) joint or area committees to the extent that such committees are not exercising functions of the authority ... 11(3) In this paragraph a member has a public</p>

<p>(b) not seek improperly to influence a decision about that matter.</p> <p>11.2 For the purpose of this Part, “meeting” means any meeting of: -</p> <p>(a) the authority;</p> <p>(b) any of the authority’s committees, sub-committees, joint committees, joint sub-committees, or advisory committees.</p>	<p>service interest in a matter where the matter relates to –</p> <p>(a) any of the matters referred to in paragraph 8(7)(a); or</p> <p>(b) a charity, a lobbying or philanthropic body of which he or she is a member</p>
<p>PART 3 - THE REGISTER OF MEMBERS’ INTERESTS</p>	<p>PART 3 - THE REGISTER OF MEMBERS’ INTERESTS</p>
<p>12 Registration of Financial and Other Interests</p> <p>12.1 Within 28 days of the provisions of the authority’s code of conduct being adopted or within 28 days of his election or appointment to office (if that is later), a member must register his financial interests in the authority’s register maintained under Section 81(1) of the Local Government Act 2000 by providing written notification to the authority’s Monitoring Officer of: -</p> <p>(a) any employment or business carried on by him;</p> <p>(b) the name of the person who employs or has appointed him, the name of any firm in which he is a partner, and the name of any company for which he is a remunerated director;</p> <p>(c) the name of any person,</p>	<p>12 Registration of Financial and Other Interests</p> <p>12(1) A member must, within 28 days of –</p> <p>(a) the provisions of an authorities code of conduct being adopted or applied to that authority; or</p> <p>(b) his or her election or appointment to office (whichever is later)</p> <p>register in the authority’s register of members’ interests (maintained under section 81(1) Local Government Act 2000) any personal interest of the type mentioned in paragraph 7(a) or (b) by providing written notification to the authority’s monitoring officer</p> <p>12(2) A member must within 28 days of becoming aware of any new personal interest or change to any personal interest registered under in paragraph (1) register the new personal interest or change by providing written notification to the authority’s monitoring officer</p> <p>12(3) Sub-paragraphs (1) and (2) do not apply to sensitive information in relation to which the member has made an application under paragraph 13</p> <p>Sensitive Information</p> <p>13(1) Where a member considers that the availability for inspection by the public of</p>

<p>other than a relevant authority, who has made a payment to him in respect of his election or any expenses incurred by him in carrying out his duties;</p> <p>(d) the name of any corporate body which has a place of business or land in the authority's area, and in which the member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;</p> <p>(e) a description of any contract for goods, services or works made between the authority and himself or a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above;</p> <p>(f) the address or other description (sufficient to identify the location) of any land in which he has a beneficial interest and which is in the area of the authority;</p> <p>(g) the address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which he is a partner, a company of which he is a remunerated director, or</p>	<p>information relating to any personal interest which but for this paragraph must be registered in the authority's register of members' interests creates or is likely to create a serious risk that the member or a person who lives with him or her may be subjected to violence or intimidation (in this Code "sensitive information") the member may where the monitoring officer considers it appropriate not include that sensitive information on the register of members' interests</p> <p>13(2) A member must within 28 days of becoming aware of any change of circumstances which leads him or her to believe that information excluded from the authority's register of members' interests is no longer sensitive information notify the authority's monitoring officer of this fact and register the information concerned in the authority's register of members' interests</p>
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<p>a body of the description specified in subparagraph (d) above; and</p> <p>(h) the address or other description (sufficient to identify the location) of any land in the authority's area in which he has a licence (alone or jointly with others) to occupy for 28 days or longer.</p> <p>12.2. With 28 days of the provisions of the authority's code of conduct being adopted or within 28 days of his election or appointment to office (if that is later), a member must register his other interests in the authority's register maintained under Section 81(1) of the Local Government Act 2000 by providing written notification to the authority's Monitoring Officer of his membership of or position of general control or management in any way: -</p> <p>(a) body to which he has been appointed or nominated by the authority as its representative;</p> <p>(b) public authority or body functions of a public nature;</p> <p>(c) company, industrial and provident society, charity or body directed to charitable purposes;</p> <p>(d) body whose principal purposes include the influence of public opinion or policy; and</p> <p>(e) trade union or professional association.</p>	
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<p>12.3 A member must within 28 days of becoming aware of any changes to the interests specified under paragraph 8 above, provide written notification to the authority's Monitoring Officer of that change.</p>	
<p>13. Registration of Gifts and Hospitality</p> <p>13.1. A member must within 28 days of receiving any gift or hospitality over the value of £25 provide written notification to the authority's Monitoring Officer of the existence and nature of that gift or hospitality.</p>	<p>Deleted. The register of gifts an hospitality will cease to exist as a separate register. Such matters will be registerable (and declarable) by virtue of the operation of paragraphs 12(1) and 7(a)(vi)</p>