

# Assessment Sub-Committee

## AGENDA

**DATE:** Wednesday 20 April 2011

**TIME:** 1.00 pm

**VENUE:** Committee Room 5,  
Harrow Civic Centre

### **MEMBERSHIP** (Quorum 3)

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**Chairman:** Mr James Coyle (Independent)

**Councillors:**

Mano Dharmarajah

Paul Osborn

**Note:** Pursuant to Regulation 8 of The Standards Committee (England) Regulations 2008 and the Standards Board for England's Guidance, 'Local Assessment of Complaints', this meeting will be held in private, with attendance restricted to the members of the Sub-Committee and those officers advising the Sub-Committee only.

**Contact:** Vishal Seegoolam, Senior Democratic Services Officer  
Tel: 020 8424 1883 E-mail: [vishal.seegoolam@harrow.gov.uk](mailto:vishal.seegoolam@harrow.gov.uk)

**1. APPOINTMENT OF THE CHAIRMAN**

To note that the Independent Member, Mr James Coyle, will serve as Chairman of the Sub-Committee for this meeting.

**2. DECLARATIONS OF INTEREST**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee, Sub Committee, Panel or Forum;
- (b) all other Members present in any part of the room or chamber.

**3. MINUTES (Pages 1 - 2)**

That the minutes of the meeting held on 26 November 2011 be taken as read and signed as a correct record.

**4. ASSESSMENT SUB-COMMITTEE - TERMS OF REFERENCE (Pages 3 - 24)**

Report of the Director of Legal and Governance Services.

**5. COMPLAINT - BREACH OF CODE OF CONDUCT**

The report of the Monitoring Officer and all relevant information will be circulated at the meeting.

# ASSESSMENT SUB-COMMITTEE MINUTES

## 26 NOVEMBER 2010

**Chairman:** \* Mr D Lawrence

**Councillors:** \* Mitzi Green \* John Nickolay

\* Denotes Member present

### 16. Appointment of the Chairman

**RESOLVED:** To note that the Independent Member, Mr Derek Lawrence, would serve as Chairman of the Sub-Committee for this meeting.

### 17. Declarations of Interest

There were none.

### 18. Minutes

**RESOLVED:** That the minutes of the meeting held on 11 November 2010, be taken as read and signed as a correct record.

### RESOLVED ITEMS

### 19. Assessment Sub-Committee - Terms of Reference

**RESOLVED:** That the terms of reference of the Sub-Committee be noted.

### 20. Complaint - Breach of Code of Conduct

Members considered a report of the Director of Legal and Governance Services, which set out details of a complaint that a Member had failed or may have failed to comply with the Authority's Code of Conduct, and independent advice obtained in relation to the complaint.

The Sub-Committee fully considered and discussed the report, with each Member setting out their individual thoughts on its contents. The Sub-Committee highlighted recommendations which they thought were prudent in this case.

**RESOLVED:** That no further action be taken in respect of the complaint.

(Note: The meeting, having commenced at 11.30 am, closed at 12.11 pm).

(Signed) MR D LAWRENCE  
Chairman

**REPORT FOR: ASSESSMENT SUB  
COMMITTEE**

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<b>Date of Meeting:</b>	20 April 2011
<b>Subject:</b>	Assessment Sub-Committee – Terms of Reference
<b>Responsible Officer:</b>	Hugh Peart, Director of Legal and Governance Services
<b>Exempt:</b>	No
<b>Enclosures:</b>	Appendix A – Terms of Reference Appendix B – Assessment Criteria Appendix C – Members Code of Conduct

**Section 1 – Summary and Recommendations**

This report details the role and responsibilities of this Sub-Committee in assessing complaints lodged. The content of the complaints will be dealt with as separate items, and all information will be circulated on the day of the meeting.

**Recommendation:** The Committee is requested to consider and note its Terms of Reference and the identified criteria for complaints as set out in Appendices A & B, together with the Members' Code of Conduct at Appendix C before considering any complaints before it.

## **Section 2 – Report**

### **1. Background**

- 1.1 The Local Government and Public Involvement in Health Act 2007 came into force in October 2007. At its meeting on 5<sup>th</sup> June 2008 the Standards Committee agreed its revised Terms of Reference. It also established this Sub-Committee for the purposes of considering complaints received about a possible breach of the Authority's Code of Conduct (attached at Appendix C).

### **Procedure on Receipt of Complaints**

- 2.1 The Complaint Form and Guidance (set out in Appendix B) are available to anyone who wants to make a complaint about a Member and can either be downloaded from the Council's website or requested in hard copy.
- 2.2 Complaints are received by the Monitoring Officer who considers in the first instance whether the allegation relates to a breach of the Code of Conduct. Where a breach of the Code of Conduct has been identified, this is referred to this Sub-Committee for consideration.
- 2.3 Harrow Council has adopted the following good practice guidance in terms of how this Assessment Sub-Committee will operate:
- (a) The Monitoring Officer should prepare a short summary of the complaint for the Assessment Sub-Committee to consider.
  - (b) The Sub-Committee will consider complaints received against agreed criteria, including criteria for referral to the Standards Board for England (set out in Appendix B).

### **3. Legal Implications**

- 3.1 The Local Government and Public Involvement in Health Act 2007 places new obligations on the Standards Committee to deal with written allegations that a member or co-opted member may have failed to comply with the Code of Conduct. These powers are in addition to the powers under Part III of the Local Government Act 2000.

### **4. Financial Implications**

- 4.1 Any costs relating to this matter will be met from the provision for legal fees.

### Section 3 - Statutory Officer Clearance

Name: Myfanwy Barrett  Chief Financial Officer

Date: 24 June 2008

Name: Hugh Peart  Monitoring Officer

Date: 24 June 2008

### Section 4 - Contact Details and Background Papers

**Contact:** Vishal Seegoolam, Senior Democratic Services Officer Tel: 020 8424 1883 (ext 2883)

**Background Papers:** Local Government Act 2000  
Local Government and Public Involvement in Health Act 2007  
The Standards Committee (England) Regulations 2008  
Standards Board for England – Local Assessment of Complaints

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	NO

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# APPENDIX A

## TERMS OF REFERENCE

### Assessment Sub-Committee

The Assessment Sub-committee has the following powers and duties:

- (a) To receive allegations that a member or co-opted member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct
- (b) Upon receipt of each allegation, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
  - refer the allegation to the Monitoring Officer, for formal investigation
  - refer the allegation to the Monitoring Officer with directions that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
  - refer the allegation to the Standards Board for England;
  - decide that no action should be taken in respect of the allegation; or
  - where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;
- (c) Where the Sub-Committee resolves to do any of the actions set out in paragraph the Sub-Committee shall state its reasons for that decision

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## ADVICE CONTAINED IN GUIDANCE NOTE FOR PUBLIC

### WHAT YOU CAN COMPLAIN ABOUT?

You can complain about a Member breaching any part of the Council's Code of Conduct for Councillors. A copy of the Code can be found in Part 5 of the Council's Constitution which is available on the Council's website.

A complaint can be made if you believe a Member has breached any part of the Code that includes:

- Failing to treat others with respect
- Unlawfully discriminating against someone
- Bullying any person
- Intimidating or attempting to intimidate any person who is or likely to be a complainant or witness in relation to the investigation or proceedings
- Doing anything which compromises or which is likely to compromise the impartiality of those who work for the authority
- Revealing information that was given to them in confidence, **or** preventing someone getting information to which they are entitled by law
- Damaging the reputation of their office or authority, where the conduct is linked to their public role and not in their private capacity
- Using their position improperly, to their own or someone else's advantage or disadvantage
- Misusing the authority's resources
- Allowing the authority's resources to be misused for the activities of a registered political party
- Failing to register financial or other interests
- Failing to reveal a personal interest at a meeting
- Taking part in the discussion or making a decision where they have an interest that is so significant that it is likely to affect their judgement (known as a 'prejudicial interest')
- Improperly influencing a decision regarding a matter that they have a prejudicial interest in
- Failing to register any gifts or hospitality worth £25 or more (including its source), that they have received in their role as a Member

If none of the above applies to your complaint if it is not something that the Standards Committee can deal with.

### WHAT WE CANNOT INVESTIGATE

The local Standards Committee cannot investigate the following:

- Complaints where a Member is not named
- Complaints that are not in writing
- Incidents or actions that are not covered by the Code of Conduct
- Incidents that are about a fault in the way that the Council has or has not done something. Such a complaint may be a matter for the Local Government Ombudsman
- Complaints about people employed by Council
- Incidents that happened before a Member was elected
- Incidents that happened before the Council adopted its local Code of Conduct or before 5 May 2002, whichever is the earlier
- Complaints about the way in which the Council conducts and records its meetings

## **ASSESSMENT SUB-COMMITTEE**

### **PRE-ASSESSMENT REPORTS AND ENQUIRIES**

The Monitoring Officer, or other officer shall prepare a short summary of the complaint, which shall set out:

- Whether the complaint is within jurisdiction
- The paragraph of the Code of Conduct that the complaint might relate to, the paragraphs the complainant has identified
- A summary of key aspects of the complaint if it is lengthy or complex
- Any further information that the officer has obtained to assist the Assessment Sub-Committee with its decision to include:
  - (a) obtaining a copy of a declaration of acceptance of office form and an undertaking to observe the Code
  - (b) minutes of meetings
  - (c) a copy of a member's entry in the register of interests
  - (d) information from Companies House or the Land Registry
  - (e) other easily obtainable documents
- Officers may only contact the complainant for clarification of their complaint if they are unable to understand the document submitted
- Pre-assessment enquiries must not amount to an investigation.

### **ASSESSMENT SUB-COMMITTEE CRITERIA FOR ASSESSING COMPLAINTS**

The Sub-committee may not refer a complaint for investigation if it falls into any of the following categories:

- there is not enough information to satisfy the sub-committee that the complaint should be referred for investigation or other action
- the complaint is about a member who is no longer a member of the authority but is a member of another authority (in such circumstances the sub-committee may wish to refer the complaint to the monitoring officer of that other authority)
- has the complaint already been the subject of an investigation or other action relating to the Code of Conduct, or has the complaint been the subject of an investigation or other regulatory authorities
- the complaint is about something that happened so long ago that there would be little benefit in taking action now

- the complaint is too trivial to warrant further action
- the complaint appear to be malicious, politically motivated or tie-for-tat
- if the complaint is anonymous EXCEPT in certain circumstances if the complaint includes documentary evidence indicating an exceptionally serious or significant matter

### **CRITERIA FOR REFERRAL TO THE STANDARDS BOARD FOR ENGLAND**

The Assessment-Committee may refer complaints to the Standards Board for England where public interests consideration makes it difficult for the authority to deal with the complaint fairly and speedily. In considering whether to refer a complaint the sub-committee should take into account the following:

- the status of the member or members or the number of members complained about eg is the complaint about a group leader, cabinet or standards committee member
- whether the complainant is a group leader, a cabinet or standards committee member, the chief executive, monitoring or other senior officer
- whether there a conflict of interest of the monitoring officer or members of the standards committee
- whether the case is so serious or complex that it cannot be handled locally,
- whether the complaint require substantial amount of further evidence
- does the complaint raise significant or unresolved legal issues on which a national ruling would be helpful
- does the complaint relate to long-term or systemic member/officer bullying which could be more effectively investigated by someone outside the authority
- whether there are exceptional circumstances which would prevent the authority or its standards committee investigating the complaint fairly and in a reasonable period of time.

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## A. CODE OF CONDUCT FOR COUNCILLORS

This Code has been prepared and adopted by Harrow Council. Every Member (including co-opted members) has signed an undertaking to comply with it. The parts of the text printed in bold comprise the mandatory provisions; the rest comprises additional text approved by the Authority.

### Part 1

#### General provisions

##### Introduction and interpretation

- 1.1 This Code defines the standards of conduct, which will be required of you and in your relationships with the Authority and its Officers.
- 1.2 The Code represents the standard against which the public, fellow Councillors, the Standards Board and the Authority's Standards Committee will judge your conduct. A breach of the Code may also be deemed by the Ombudsman as incompatible with good administration, and may lead to a finding of maladministration against the Authority.
- 1.3 You should familiarise yourself with the requirements of this Code. You should regularly review your personal circumstances, particularly when those circumstances change. If in any doubt, you should seek advice from the Authority's Monitoring Officer.
- 1.4
  - (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.**

**6.1 (1) 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.**

**6.2** You may have dealings with the Authority on a personal level, for instance as a council tax payer, as a tenant, or as an applicant for a grant or a planning permission. You should never seek or accept preferential treatment in those dealings because of your position as a councillor. You should also avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment. Likewise, you should never use your position as a member to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

**6.3** You should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the authority for your use in your duties as a Councillor or a committee member or member of the Executive are used strictly for those duties and for no other purpose.

**7.1 (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.**

**7.2 When reaching decisions you should -**

**(i) not act or cause the Authority to act unlawfully, in such a manner as would give rise to a finding of maladministration, in breach of any undertaking to the Court, or for the advantage of any particular person or interest rather than in the public interest; and**

**(ii) take into account all material information of which you are aware and then take the decision on its merits and in the public interest**

## **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 (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.**

- 9.2 For the avoidance of doubt if you have a personal (but not prejudicial) interest and observe a meeting from the public gallery (or any part of the room or chamber) but do not address the meeting or take part in the discussion you are nevertheless deemed to be attending the meeting and are required to declare the interest.
- 9.3 Decision-making by a single executive member is a matter of particular sensitivity, and if you have a personal interest in a matter on which you may take a decision, even if it is not a prejudicial interest, you should wherever possible refer the matter to the Executive for a collective decision.

### **Prejudicial interest generally**

**10.1 (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.**

10.2 If you are in any doubt as to whether you should continue to participate in any matter, you should

- (a) consider whether a member of the public - if he or she knew all the facts - would reasonably think that your personal interest was so important that your decision on the matter would be affected by it. If he or she would think that your judgement would be affected, then it is likely that you have a prejudicial interest; and
- (b) take advice from the Monitoring Officer at an early stage as to whether your circumstances permit continued participation.

10.3 You, or some firm or body with which you are personally connected may have professional, business or other personal interests within the area for which the Authority is responsible. Such interests may be substantial and closely related to the work of the Executive or one or more of the Authority's committees.

You should not seek, or accept, membership of the Executive or any such committee, if that would involve you in disclosing an interest so often that you could be of little value to the Executive or committee, or if it would be likely to weaken public confidence in the duty of the Executive or committee to work solely in the general public interest.

### **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 (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 or 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 10 GENERAL PRINCIPLES OF CONDUCT

Members are reminded of the 10 General Principles of Conduct (as set out below), which govern the conduct of members.

1. **Selflessness** - Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
2. **Honesty and Integrity** - 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.
3. **Objectivity** - Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
4. **Accountability** - 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.
5. **Openness** - 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.
6. **Personal judgement** - Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
7. **Respect for others** - 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.
8. **Duty to Uphold the Law** - Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
9. **Stewardship** - Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.
10. **Leadership** - Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.