

HAMBLETON DISTRICT COUNCIL

Report To: Audit, Governance and Standards Committee
27 June 2012

From: Director of Corporate Services

Subject: **STANDARDS REGIME – COUNCIL PROCEDURE RULES**

All Wards

1.0 SUMMARY:

1.1 The purpose of this report is to ask the Committee to consider making a recommendation to Full Council about whether the Council's Procedure Rules should be amended to require Members to leave Council or Committee meetings when they have a disclosable pecuniary interest under the new Standards Regime.

2.0 BACKGROUND:

2.2 The current Standards Regime will be abolished with effect from 30 June 2012. At its meeting on 11 June 2012 Council adopted a new Code of Conduct with effect from 1 July 2012. A copy of the Code is attached for information as an annex to this report.

2.3 However, at the same meeting, Council deferred the question of whether to amend the Council's Procedure Rules to require Members to leave a meeting when a disclosable pecuniary interest arose.

2.4 Under the current Standards Regime Members who have a prejudicial interest in a matter are required to leave the meeting except in certain circumstances. The new legislation does not require this to happen even if there is a disclosable pecuniary interest.

2.5 The Council has the power to amend its Council Procedure Rules to require a Member to leave a meeting when he/she has a disclosable pecuniary interest. There is no power to require Members to leave a meeting in other circumstances (e.g., lesser interests).

2.6 If the Council wishes to change its Procedure Rules the following alternative additional Procedure Rules are suggested:-

Option (A)

"- 18.5 Withdrawal when disclosable pecuniary interest – where a Member has a disclosable pecuniary interest in any business of the Council the Member must withdraw from the room or chamber where the meeting considering the business is being held during consideration and voting on the business."

OR

Option (B)

"18.5 Withdrawal when disclosable pecuniary interest – where a Member has a disclosable pecuniary interest in any business of the Council the Member must withdraw from that part of the room or chamber where the meeting is considering the business but may remain in that part of the room which the public are entitled to occupy."

2.7 Option (A) requires Members to withdraw entirely from the room, whilst Option (B) simply requires Members to withdraw to the public gallery.

2.8 Paragraph 12 of the Council's new Code of Conduct makes it a breach of the Code not to comply with a Procedure Rule that requires a Member to withdraw from the room or chamber. This covers Option (A) above. If Option (B) above is to be adopted then paragraph 12 of the Code of Conduct will need to be amended slightly to take account of this.

3.0 LEGAL IMPLICATIONS:

3.1 The Council's Procedure Rules would need to be changed if Members are to be required to leave a meeting when they have a disclosable pecuniary interest.

3.2 There are no other legal implications in this report.

4.0 RECOMMENDATION:

4.1 It is recommended that:-

- (1) the Committee determine whether the Council Procedure Rules should be amended to require Members to leave a meeting when they have a disclosable pecuniary interest and, if so, whether Option (A) or Option (B) in paragraph 2.6 should be adopted;
- (2) the Director of Corporate Services make appropriate amendments to paragraph 12 of the Code of Conduct.

MARTYN RICHARDS

Background papers: None

Author ref: JMR

Contact: Martyn Richards
Director of Corporate Services
Direct Line No: (01609) 767010

**CODE OF CONDUCT FOR THE MEMBERS OF
HAMBLETON DISTRICT COUNCIL**

Hambleton District Council (“the Authority”) has adopted the following Code for the purposes of Section 27(2) of the Localism Act 2011 dealing with the conduct that is expected of Members of the Authority when they are acting in that capacity.

The Code is intended to be consistent with the following seven principles, and should be read in the light of those principles, namely that Authority Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

1. You must treat others with respect.
2. You must not intimidate or attempt to intimidate any person.
3. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Authority.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a Member of the Authority, into disrepute.
5. You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person any advantage or disadvantage and this includes discussing with other Members any matter in which you have a disclosable pecuniary interest.
6. If you are in receipt of any gift or hospitality which is attributable to your membership of the Authority and is of a value in excess of £25, or any offer of any such gift or hospitality, you must disclose this to the Monitoring Officer; and you must decline to accept any such gift or hospitality which could reasonably be perceived as creating an obligation upon the Authority, or upon yourself as a Member of the Authority.
7. You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
8. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
 - 8.1 You have the consent of a person authorised to give it; or
 - 8.2 You are required by law to do so; or
 - 8.3 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
 - 8.4 The disclosure is reasonable, in the public interest, made in good faith, and made in compliance with the reasonable requirements of the Authority.
9. Where, as a Member of the Authority, you have been involved in making any decision which is subsequently subject to scrutiny within the Authority, you must not take part in the scrutiny process. In this paragraph, “scrutiny” means the formal examination by the

Authority, a Committee of the Authority, or a group of people including Members of the Authority, of a policy or decision previously approved or taken by or on behalf of the Authority, in order to reach a view on its rectitude, efficacy, performance or value for money. For the purposes of this paragraph, you do not take part in a scrutiny process if you simply offer evidence or opinion to the scrutiny body, and do not participate in its decision.

- 10.1 Subject to paragraph 13, you must register in the Authority's Register of Members' Interests information regarding your personal interests. In this Code of Conduct "your personal interests" means any disclosable pecuniary interest as defined by statutory regulations in force from time to time.
- 10.2 You must register information regarding your personal interests by giving written notice to the Monitoring Officer, who maintains the Register; and you must give such notice in accordance with any statutory regulations.
11. Where you consider that disclosure of the details of any of your disclosable pecuniary interests could lead to you, or a person connected with you, being subject to violence or intimidation, you may so inform the Monitoring Officer; and if the Monitoring Officer agrees, a note will be made in the Register to the effect that you have a disclosable pecuniary interest, details of which are withheld under Section 32 of the Localism Act 2011.
12. You must comply with any Standing Order or Procedure Rules adopted by the Authority which requires Members to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed.

1 July 2012