

HAMBLETON DISTRICT COUNCIL

Report To: Audit, Governance and Standards Committee
22 October 2019

From: Director of Law and Governance (Monitoring Officer)

**Subject: AMENDMENTS TO MEMBER CODE OF CONDUCT AND MEMBER REGISTER
OF INTERESTS FORM**

All Wards

1.0 PURPOSE AND BACKGROUND:

- 1.1 This report seeks approval to amendments to the Council's Member Code of Conduct and Members' Register of Interests Form.
- 1.2 Under the Localism Act 2011 the Council is required to have in place a code which deals with the conduct that is expected of Members. The Council's current Code of Member Conduct satisfies that requirement.
- 1.3 The Committee on Standards in Public Life ("CSPL"), which is the body responsible for reviewing ethical standards in local government, has recently concluded a review into the standards regime under the Localism Act 2011, in order to satisfy itself that the current standards framework is conducive to promoting and maintaining the standards expected of Members by the general public.
- 1.4 The CSPL recognised that the vast majority of councillors wanted to maintain the highest standards of conduct in their own authority. However, the Committee identified some specific areas of concern including a small minority of councillors engaging in behaviour which constituted bullying and harassment, or other highly disruptive behaviour.
- 1.5 Following its review the CSPL recommended changes to the current standards regime. A number of the recommendations will require legislative changes and, as such, are beyond the scope of this report. However, the CSPL also made fifteen 'best practice' recommendations which do not require changes to legislation and which it expects local authorities to implement. The CSPL intends to review the adoption of these best practice recommendations by local authorities from 2020.
- 1.6 The Council's current standards regime and procedures already comply with the majority of the Committee's best practice recommendations. However, two of the fifteen recommendations require amendments to the Council's Code of Conduct to ensure the Code continues to meet best practice, namely prohibitions on bullying and harassment (including a definition of those terms supplemented by a list of examples of prohibited behaviours), and a requirement for Members to cooperate with any standards investigation. It is also considered an opportune moment, given the Council's Public Sector Equality Duty, to amend the Code of Conduct to require Members not do anything which may cause the Council to breach any equality enactment.
- 1.7 An amended copy of the Code of Member Conduct (showing the proposed changes in red) is appended to this report for approval at 'Annex A'.

1.8. The report also proposes amendments to the Members' Register of Interests Form. Currently when they take up office Members are provided with two documents which are to be read together, namely the Register of Interests Form and an accompanying Guidance Note which explains the nature of the interests to be disclosed. In order to assist Members it is proposed that the two documents are merged so that the information is captured in only one document. Attached for approval at 'Annex B' is such a document.

2.0 LEGAL IMPLICATIONS:

2.1 The Localism Act 2011 requires the District Council to have in place a Code of Member Conduct.

3.0 EQUALITY/DIVERSITY ISSUES:

3.1 These have been considered and are addressed in the proposed amendment to the Code of Member Conduct.

4.0 RECOMMENDATION:

4.1 The Committee is asked to approve and to recommend to Council that:

- (1) the amended Code of Member Conduct appended at 'Annex A' be approved and adopted; and
- (2) the amended Register of Interests Form appended at 'Annex B' be approved and adopted.

GARY NELSON
DIRECTOR OF LAW AND GOVERNANCE (MONITORING OFFICER)

Background papers: Local Government Ethical Standards – A Review by the Committee on Standards in Public Life (2019)
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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 do anything which may cause the Authority to breach any equality enactment.
3. You must not bully, harass or intimidate any person, or attempt to bully, harass or intimidate any person.

Bullying includes "offensive, intimidating, malicious or insulting words and behaviour and/or an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient".

Harassment is defined in the Equality Act 2010 as "unwanted conduct related to a relevant protected characteristic", which has the purpose or effect of violating an individual's dignity or "creating an intimidating, hostile, degrading, humiliating or offensive environment" for that individual.

Examples of bullying include:

- spreading malicious rumours, or insulting someone by words or behaviour;
 - ridiculing or demeaning someone, picking on them or setting them up to fail;
 - exclusion or victimisation;
 - unfair treatment;
 - overbearing supervision or other misuse of power or position;
 - making threats or comments about job security without foundation;
 - unwelcome sexual advances – e.g. touching, standing too close, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected and displaying offensive material;
 - deliberately undermining a competent worker by overloading and constant criticism;
 - preventing individuals progressing by intentionally blocking promotion or training opportunities
4. 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.
 5. 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.

6. 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.
7. 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.
8. You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
9. 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:
 - 9.1 You have the consent of a person authorised to give it; or
 - 9.2 You are required by law to do so; or
 - 9.3 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
 - 9.4 The disclosure is reasonable, in the public interest, made in good faith, and made in compliance with the reasonable requirements of the Authority.
10. 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.
- 11.1 Subject to paragraph 12, 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.
- 11.2 You must register information regarding your personal interests (and those of your spouse or civil partner or persons living with you as if a spouse or civil partner) by giving written notice on the relevant form to the Monitoring Officer before the end of 28 days beginning with the day you become a Member, or within 28 days following any changes to your personal interests.
12. 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.

13. 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.
14. Where a complaint under this Code has been made against you as a Member you shall:
 - 14.1 cooperate with the Monitoring Officer during the assessment of the complaint;
 - 14.2 cooperate with and attend any meeting of the Standards Hearings Panel at which the complaint is considered.



REGISTRATION OF FINANCIAL AND PERSONAL INTERESTS

LOCALISM ACT 2011 LOCAL CODE OF MEMBER CONDUCT

INTRODUCTION

Under the Localism Act 2011 you are required to register certain interests with the District Council's Monitoring Officer. The interests include those of yourself, your spouse or civil partner (or persons living with you as if a spouse or civil partner). The register is available to the public.

The registerable interests are set out in the legislation. These guidance notes aim to assist you in determining what interests you have to register to comply with the legislation.

THE REGISTERABLE INTERESTS

The interests which are registerable are specified in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, to which Members are referred when completing this Register of Interests. Set out below is an explanation of the nature of those interests.

Name of Councillor: *(In block capitals please)*

I hereby notify you of my interests (and those of my spouse, civil partner or persons living with me as if a spouse or civil partner) as required by the Code of Member Conduct as follows:-

1. Employment or Business

A short description of any job or business carried on by you including any office, trade, profession or vocation carried on for profit or gain including the name of your employer. You are required to declare any employment or business even if it is not within the Council's area. You are not required to declare what income you receive.

2. Sponsorship in connection with duties as a Member:

The name of any person or body (other than the relevant authority) that has helped you with expenses associated with your election or your duties as a Member. Sponsorship includes another person paying expenses which you would otherwise have to pay, and includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. Any payments and statutory allowances received from a local authority do not need to be declared.

3. Contracts with the Council

Brief descriptions of the nature and length of any contracts for goods, services or works which you have with the Council, either directly or as a partner in a firm or as a director of a company or if the contract is with a body which you have declared under the heading "Securities". This includes contracts with the Council even if the works, goods or services are provided to third parties, e.g. a voluntary organisation. It also includes contracts where goods, services or works are provided by the Council to your firm or other body. Only contracts which have not been fully discharged need to be notified. Once a contract ends it can be removed.

4. Land in the District:

Any land, or buildings in the area of the Council in which you have a beneficial interest (freehold or leasehold or a short tenancy), either of your own, or jointly with one or more other people. You have a beneficial interest in land if, for example, you own, you rent, you are entitled to the proceeds of, or you may, under a trust, become entitled to the proceeds of that land. This includes your home address if you own, lease or rent it. Excluded is land where you are a trustee for other people or where you are an executor or administrator of the estate of someone who has died and have no interest in the estate.

If you own land outside the area of the Council you do not have to declare it but if you receive an income from the land then in the 'Employment or Business section' the property letting business should be declared, but it is not necessary to state where the property is.

"Land" for this purpose includes houses, buildings, and the interest of a mortgagee. It excludes drainage rights, rights of way, and other rights which do not entitle you (whether alone or jointly with others) to occupy the land or to draw income from it.

The requirement to register the interest of a mortgagee does not mean that if you have a mortgage on your house you have to declare it. 'Mortgagee' is the person who lends money to another on the security of a mortgage. If you are a mortgagee, you need to give the address or description of the relevant property, not the fact of the mortgage, or the name of the borrower.

The information required is the address of the land or (where, for example, it is land without any buildings on it) a brief description good enough to identify the location. If necessary please attach a map showing the location of the land or list the Ordnance Survey field numbers which apply.

5. Licences

Any licences that you have either on your own or jointly with others, or any permission that you have to occupy land (for example, as an allotment or for fishing or shooting) where the licence, or permission, will last for a month or longer.

The information required is the address of the land or (where, for example, it is land without any buildings on it) a brief description good enough to identify the location. If necessary please attach a map showing the location of the land or list the Ordnance Survey field numbers which apply.

6. Corporate Tenancies

The address of any land or buildings rented from the Council by you or a body in which you have a beneficial interest.

The information required is the address of the land or where, for example, it is land without any buildings on it, a brief description good enough to identify the location. If necessary please attach a map showing the location of the land or list the Ordnance Survey field numbers which apply.

7. Securities

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 (as amended) and other securities of any description other than money deposited with a building society.

The name of any person or other body who has a place of business or land in the Council'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), eg if the company has 100 £1 shares and you have one share you need to declare the interest. The value of shares is the face value (the value recorded on the share certificate) not the current market value.

For example, you bought 10,000 £1.50 shares (face value) in 1999. The market value at that time was £3.00 each, so the total paid was £30,000, but the shares are now worth £45,000. The nominal value of the shares would be £15,000 (10,000 x £1.50). Therefore, you would not be obliged to enter the shares in the register of interests, even though the current market value of the shares is £45,000. It is not necessary to declare the size or nature of the holding, simply the name of the company or other body.

You have a beneficial interest in a type of share if, for example, you own, you are entitled to the proceeds of, or you may, through a trust or will, become entitled to the proceeds of, that type of share. You do not need to register any such interest that you have as trustee.

If you know the companies in which your PEP, ISA or pension fund has invested and:

- those companies have a place of business or land in the Council's area; and
- your beneficial interest in the investment is greater than the levels indicated above,

then you need to register that interest. You are only required to register interests which are known to you. You are not required to investigate the investment portfolio of any PEP, ISA or pension scheme to which you may belong.

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Signed:	
Name:	
Dated:	

To: Mr G Nelson - Monitoring Officer
Hambleton District Council
Civic Centre
Stone Cross
NORTHALLERTON
North Yorkshire
DL6 2UU

Privacy Statement

The information you provide on this form will be processed in accordance with the obligations contained in the Localism Act 2011.

Sensitive Information

If you consider that the availability for inspection by the public of information relating to any of your interests 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, you may apply to the Monitoring Officer for permission not to include that sensitive information on the Register of Members' Interests. This would apply if you are employed in an area of sensitive employment, such as certain types of scientific research. If the Monitoring Officer agrees that the information is sensitive information there is no need to include the sensitive information on the register of interests, although the existence of an interest, but not the details of the sensitive information, must still be declared at meetings if business relating to or affecting the interest is being considered at the meeting. If you think that some of your information is sensitive please write to the Monitoring Officer.

Removal of Registrations

When an interest no longer exists it can be removed from the Register. You should contact Louise Hancock, Democratic Services Officer, Tel: 01609 767015, email: louise.hancock@hambleton.gov.uk

When you cease to be a Councillor, all of the registration can be removed. You should contact Louise Hancock, Democratic Services Officer, Tel: 01609 767015, email: louise.hancock@hambleton.gov.uk)