

Article 1– The Leader and Cabinet

Explanatory Comment

The Leader of the Council is responsible for appointing the Cabinet. However, whilst the Leader, as Senior Executive Member may discharge any functions which are the responsibility of the Leader and Cabinet Executive the Cabinet is at the heart of the day-to-day decision-making process. It also has a key role in proposing the policy framework and budget to the Council.

7.01 Role

The Leader and Cabinet Executive will lead the implementation of Council policy within the Council's budget and policy framework. In doing this the Leader and Cabinet Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 Appointment and Composition

The Cabinet will consist of the Leader of the Council together with such additional Councillors, at least 2 but not more than 9, as the Leader shall determine.

7.03 Leader

The Leader will be a Councillor elected to the position of Leader by the Council at its Annual Meeting following an ordinary election of Councillors or at a subsequent meeting of the Council if the Council fails to elect the Leader at the Annual Meeting. The Leader will hold office until the day of the post-election annual meeting which follows his election unless:

(a) he/she resigns from the office; or

~~(b) he/she is suspended from being a Councillor of this Council under **Part III of the Local Government Act 2000** (although he/she may resume office at the end of the period of suspension); or~~

~~(b)(e)~~ he/she is no longer a Councillor of this Council; or

~~(c)(d)~~ he/she is removed from office by resolution of the Council following a written notice of no confidence on at least 10 working days notice and signed by at least 25% of all Councillors. If a motion of no confidence is passed, the Leader shall immediately cease to act as Leader.

~~(d)(e)~~ he/she is removed from office by resolution of the Council in the event of a change in political control of the Council

In the event that the Leader no longer holds office as described above, the Deputy Leader will carry out the role and duties of Leader until such time as the Council elects a Councillor to the position of Leader.

If for any reason the Leader is unable to act or the office of Leader is vacant and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet must act in the executive leader's place or must arrange for a member of the Cabinet to act in his/her place.

7.04 Deputy Leader

The Leader will appoint one of the members of the Cabinet to act as his/her Deputy. The Deputy Leader must act in the place of the Leader if the Leader is for any reason unable to act or the office of Leader is vacant.

The Deputy Leader will hold office until the end of the term of office of the Leader unless:

- (a) he/she resigns as Deputy Leader or ceases to be a member of the authority;
- (b) the Leader removes the Deputy Leader from Office

If a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his/her place. The appointment will take effect when the Leader provides written confirmation of the appointment to the Assistant Director: Law, Democracy & Public Protection.

7.05 Other Cabinet members

The Leader will appoint all Cabinet members and will provide notification of those appointments to the Assistant Director: Law, Democracy & Public Protection in writing on or before the date of the Annual Council Meeting They will hold office until:

(a) they resign from office; or

~~(b) they are suspended from being Councillors of this Council under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or~~

~~(b)(e)~~ they are no longer Councillors of this Council; or

~~(c)(d)~~ they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect immediately upon receipt of notice by the Assistant Director: Law, Democracy & Public Protection, or

~~(d)(e)~~ they are removed from office, either individually or collectively, by resolution of the Council following a written notice of no confidence of at least 10 working days notice and signed by at least 25% of all Councillors. If a motion of no confidence is passed the Cabinet member(s) shall immediately cease to act.

~~(e)(f)~~ the Council removes them from office, either individually or collectively, but only in the event of a change in political control of the Council.

~~(f)(g)~~ In the event that a vacancy arises the Leader will appoint another Councillor as a replacement. The replacement will take effect upon the Leader providing notification of the appointment in writing to the Assistant Director: Law, Democracy & Public Protection.

~~(g)(h)~~ Any changes to the composition of the Cabinet shall be reported for information to the next meeting of Council.

7.06 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Decision Rules set out in Part 4 of this Constitution.

7.07 **Responsibility for functions**

The Leader may determine which Cabinet functions shall be allocated to individual members of the Cabinet and those which shall be reserved to the Cabinet. These responsibilities may be amended by the Leader on written notice to the Assistant Director: Law, Democracy & Public Protection.

The Leader will determine a list setting out those Cabinet functions which are the responsibility of the Cabinet and which individual members of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Executive functions.

Article 9 The Standards Committee and The Audit Committee

Explanatory Comment

The Standards Committee has an important role in ensuring and promoting good ethical conduct of Councillors and officers. The Audit Committee has an important role in overseeing financial processes, audit and risk management. They both support good governance in the public sector, with particular reference to local government.

~~(Section 53-55 and Sections 81(5), Local Government Act 2000)~~

(CIPFA Position Statement –“Audit Committee Principles in Local Government”)

9.01 Standards Committee

The full Council will establish a Standards Committee.

9.02 Composition

Political Balance

The Standards Committee will be politically balanced as per the political balance rules in **section 15 of the Local Government & Housing Act 1989.**

- (a) **Membership:** The Standards Committee will be composed of:-
- ~~seveneight~~ Councillors, excluding the Leader and only one of whom may be a member of the Cabinet;
 - ~~four persons who are not Councillors or Officers of the Council or any other body having a Standards Committee (independent members);~~
 - ~~at least three parish council representatives (who are not members of the Council)~~
 - ~~(b) Independent Members – Independent members will be appointed in accordance with guidance issued. Independent members will be entitled to vote at meetings;~~
 - ~~(c) Chairing the Committee – The Chairman must be an Independent Member of the Committee and should either have previous knowledge or have received training on standards, regulation and ethical issues.~~
- (d) **Quorum** – The quorum for a meeting of the Standards Committee shall be three ~~which must include one of the independent members.~~
- (e) **Training** – ~~In addition to the Chairman’s training outlined above,~~ All members of the Committee should be properly trained to fulfil their role, including awareness of standards, ethics and governance.
- (f) **Sub-committees** –

HEARINGS SUB COMMITTEE

1. To consider complaints referred to them by the Monitoring Officer to decide if the complaint should be referred for investigation.
2. To consider investigation reports in respect of Code of Conduct complaints that are referred to them by the Monitoring Officer.

3. To report its findings to the Borough Council, Town or Parish Council, as appropriate for information.

4. Where a breach is found, to make decisions about sanctions including:-

4.1. To make recommendations to the relevant Group Leader regarding future membership of committees and sub committees;

4.2. To make recommendation to Council regarding the removal of a non aligned member from membership of committee and sub-committees;

4.3. To make recommendations to the Leader of the Council regarding the removal of a member from Cabinet, or the removal of portfolio responsibilities;

4.4. To instruct the Monitoring Officer to arrange training for a Borough Council member;

4.5. To remove a member from all outside appointments to which he/ she has been appointed or nominated by the Council; and

4.6. To withdraw facilities provided to the member or exclude the member from defined premises (except as necessary for the member to attend formally constituted council meetings).

5. To consider applications for dispensations where:-

5.1. The dispensation is in the interests of persons living in the Borough of Telford & Wrekin area; or

5.2. It is otherwise appropriate to grant a dispensation.

~~(i) Terms of Reference of the Referrals Sub-Committee~~

~~As approved by the Standards Committee~~

~~1. Terms of Reference~~

~~a. The Referrals Sub-Committee is established to receive allegations that a 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 and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:~~

~~i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;~~

~~ii. refer the allegation to the Standards Board for England;~~

~~iii. decide that no action should be taken in respect of the allegation; or~~

~~iv. 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;~~

~~and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.~~

- ~~e. Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:~~
- ~~i. it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;~~
 - ~~ii. the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or~~
 - ~~iii. the matter should be referred to the Adjudication Panel for determination.~~
- ~~d. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) or 2(c) above, the Sub-Committee shall state its reasons for that decision.~~
- ~~e. The Sub-Committee shall consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.~~
- ~~f. The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.~~

~~2. Composition of the Referrals Sub-Committee~~

~~The Referrals Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee (and one of whom shall chair the Sub-Committee), and at least 2 elected members of the Authority. When the Referrals Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative.~~

~~3. Quorum~~

~~The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering a matter relating to the conduct of a member as Parish or Town Councillor.~~

~~(ii) Terms of Reference of the Review Sub-Committee~~

~~As approved by the Standards Committee~~

~~1. Terms of Reference~~

- ~~a. The Review Sub-Committee is established to review, upon the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of the Referrals Sub-Committee that no action be taken in respect of that allegation.~~
- ~~b. Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Referrals Sub-Committee and shall then do one of the following:
 - ~~i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or specifying that he/she take an alternative action as permitted by Regulations;~~
 - ~~ii. refer the allegation to the Standards Board for England;~~
 - ~~iii. decide that no action should be taken in respect of the allegation; or~~
 - ~~iv. 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;~~and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.~~
- ~~c. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) above, the Sub-Committee shall state its reasons for that decision.~~

~~2. Composition of the Review Sub-Committee~~

~~The Review Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee (and one of whom shall chair the sub-committee), and at least two 2 shall be elected members of the Authority. When the Referrals Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative.~~

~~3. Quorum~~

~~The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering a matter relating to the conduct of a member as Parish or Town Councillor.~~

~~4. Frequency of Meetings~~

~~The Review Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the Referrals Sub-Committee within 3 months of the receipt of the request for such a review from the person who made the allegation.~~

~~(iii) Terms of Reference of the Dispensations Sub-Committee~~

~~As approved by the Standards Committee~~

~~1. Terms of Reference~~

~~The Dispensations Sub-Committee is established to determine applications from members of the authority and members of other relevant authorities for a dispensation in accordance with the provisions of the Local Government Act 2000 (as amended) and the Standards Committee (Further Provisions) (England) Regulations 2009.~~

~~2. Composition of the Dispensations Sub-Committee~~

~~The Dispensations Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee and at least two 2 shall be elected members of the Authority. When the Dispensations Sub-Committee considers an application from a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative. The Chairman of the Dispensations Sub-Committee must be an independent member of the Standards Committee.~~

~~3. Quorum~~

~~The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering an application from a Parish or Town Councillor.~~

9.03 **Role and Function**

- ~~1. To promote and maintain high standards of conduct by members and co-opted members of the Council.~~
- ~~2. To support Town and Parish Councils within the Borough to promote and maintain high standards of conduct by members and co-opted members of the Council.~~
- ~~3. To recommend to Council the adoption of a code dealing with the conduct that is expected of members and co-opted members of the Authority.~~
- ~~4. To keep the code of conduct under review and recommend changes/replacement to Council as appropriate.~~

5. To publicise the adoption, revision or replacement of the Council's Code of Conduct.
6. To oversee the process for the recruitment of an Independent Person (and up to 2 reserves) and make recommendations to Council for their appointment.
7. To receive quarterly reports from the Monitoring Officer about:-
 - 7.1 complaints;
 - 7.2 the progress and outcome of investigations; and
 - 7.3 the establishment and maintenance of the register of interests of members and co-opted members of the Borough and Town and Parish Councils within the Borough boundaries;
 - 7.4 dispensations granted to members and co-opted members of the Council

~~The Standards Committee will have the following roles and functions:~~

- ~~(a) promoting and maintaining high standards of conduct by Councillors, parish councillors and co-opted members, (including church and parent governor representatives;~~
- ~~(b) assisting the Councillors, parish councillors and co-opted members (including church and parent governor representatives) to observe the Members' Code of Conduct;~~
- ~~(c) advising the Council on the adoption or revision of the Members' Code of Conduct;~~
- ~~(d) monitoring the operation of the Members' Code of Conduct;~~
- ~~(e) advising, training or arranging training in relation to the Code of Conduct;~~
- ~~(f) granting dispensations to Councillors, co-opted members (including church and parent governor representatives) from requirements relating to interests set out in the Members' Code of Conduct;~~
- ~~(g) receiving allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct~~
- ~~(h) establish sub-committees of the standards committee to make initial assessments of complaints received by the Standards Committee alleging a breach of the Members' Code of Conduct;~~
- ~~(i) establish sub-committees to consider requests received by the Standards Committee to review decisions to take no action in relation to a complaint made to its sub-committee set out at paragraph (g) above~~
- ~~(j) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by a sub-committee of the Standards Committee or an ethical standards officer to the Monitoring Officer and setting up hearings sub-committees to deal with those reports as and when required~~
- ~~(k) in conjunction with the operation of the Standards Board for England, the Standards Committee will work within the existing policy and procedures for handling of issues relating to probity and matters of an ethical nature.~~

- ~~(l) consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act~~
- ~~(m) advising the Council on the appointment of independent members taking account of guidance issued by the Standards Board for England~~
- ~~(n) selecting and recruiting Parish Council representatives to serve on the Standards Committee taking account of guidance issued by the Standards Board for England~~

9.04 Audit Committee

The full Council will establish an Audit Committee.

9.05 Composition

Political Balance

The Audit Committee will be politically balanced, as per the Political Balance Rules in **section 15 of the Local Government & Housing Act 1989**.

- (a) **Membership:** The Audit Committee will be composed of:
 - six councillors, excluding the Leader and any member of the Cabinet;
 - the Leader and/or any Cabinet Member can be invited to attend by the Chairman and he/she may contribute to the debate, through the Chair, but will not be able to vote;
- (b) **Co-opted Members:** one or more persons can be co-opted to the Committee who are not councillors or officers of the Council. Co-opted members will not be entitled to vote.
- (c) **Chairing the Committee:** the Chairman will be appointed from the Council members of the Committee. They should either have previous knowledge or have received training on financial and risk management, internal control assurance, the Council's core activities, accounting issues and regulation/compliance. The Chairman will have such access to members, officers and the external auditor as is required to discharge their duties.
- (e) **Quorum:** The quorum for a meeting of the Audit Committee shall be three.
- (f) **Training:** In addition to the Chairman's training outlined above, all members of the Committee should be properly trained to fulfil their role, including awareness of governance, risk management, internal control assurance, the Council's core activities, accounting issues and regulation compliance.
- (g) Due to the training and experience required by the members of this Committee there will be no system of substitute members.

9.06 Role and Function

The Audit Committee will have the following roles and functions:

- (a) Overseeing the Council's:
 - internal audit processes
 - external audit processes

- (b) Seeking assurances that the Council's risk management processes are operating properly;
- (c) Overseeing the Council's governance processes and reviewing and approving the Annual Governance Statement; and
- (d) Contributing to the approval of the Council's accounts.

FUNCTIONS, POWERS AND DUTIES OF STANDARDS COMMITTEE

Delegated Matters (i.e. matters which can be decided (resolved))

1. To prepare Codes of Conduct for members and employees taking account of national codes and guidance.
2. To submit these Codes for approval by full Council.
3. To ensure that the Codes are understood and implemented throughout the Council and the local community.
4. To monitor the implementation of the Codes and advise Council of any changes that may be desirable.
5. To grant dispensations to councillors, ~~parish councillors~~ and co-opted members (including church and parent governor representatives) from requirements relating to interests set out in the Members' Code of Conduct.
- ~~6. To prepare an Anti-Fraud and Corruption Strategy for the Council, submit it to the Council and review it on an annual basis.~~
- ~~7. To instigate a 'whistle blowing' or Speak Up policy for the Council, and to monitor its operation~~
- ~~68. To ~~receive and~~ investigate/determine allegations of breaches of the members Code (employees to be part of the disciplinary process) in accordance with the provisions of the Localism Act 2011 ~~Government and Public Involvement in Health Act 2007~~ and associated legislation and guidance.~~
- ~~79. To consider and deal with reports relating to issues of conduct referred to the Committee by the Monitoring Officer/Finance Officer both of whom shall have a right of direct access to the Committee.~~
- ~~810. To prepare a Protocol for members/Employee relations within the Council~~
- ~~911. To arrange and/or provide training for Councillors on ethical conduct.~~
- ~~102. Annually review their effectiveness and their terms of reference.~~
- ~~13. To consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer~~
- ~~114. To Advise the Council on the appointment of Independent Persons taking account of the provisions of the requirements set out in the Localism Act 2011 ~~independent members taking account of guidance issued by the Standards Board for England~~~~
- ~~15. To select and recruit Parish Council representatives to serve on the Standards Committee taking account of guidance issued by the Standards Board for England~~

Part 2 – Code and Protocols

Section 1 – Members Code of Conduct

Standards of Conduct

Members (including all voting co-opted members) of Telford & Wrekin Council will at all times promote and maintain high standards of conduct when they are acting in that capacity. To do this they will:-

<p>✓ <u>Members should serve only the public interest and should treat everyone that they deal with equally and with respect.</u> <u>Link to co-operative value of Fairness and Respect</u></p>	<u>Selflessness</u>
<p>✓ <u>Members should not place themselves in a position where they either are or give the appearance that they are under any financial or other obligation to anyone that might seek to influence them in the performance of their duties as a Member.</u> ✓ <u>Members should only use the resources of the Authority in accordance with reasonable requirements set out for their use from time to time</u> ✓ <u>Members should declare their interests in accordance with the law and with the provisions of this Code of Conduct</u> ✓ <u>Members should declare gifts and hospitality that they receive in accordance with the Council's Rules on Gifts and Hospitality</u> <u>Link to co-operative value of Fairness and Respect</u></p>	<u>Integrity</u>
<p>✓ <u>Members should make decisions on merit and in the public interest, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.</u> <u>Link to co-operative value of Fairness and Respect</u></p>	<u>Objectivity</u>
<p>✓ <u>Members should be accountable to the public for their decisions and actions and should co-operate fully with any scrutiny appropriate to their particular role or office.</u> <u>Link to co-operative value of Ownership</u></p>	<u>Accountability</u>
<p>✓ <u>Members should be as open as possible about their decisions and actions and should give reasons for their decisions and actions. They should not disclose information given to them which they can reasonably be expected to know was either exempt or confidential and is not to be disclosed to protect the wider public interest.</u> <u>Link to co-operative value of Openness and Involvement</u></p>	<u>Openness</u>
<p>✓ <u>Members have a duty to declare any private interests that relate to their duties as a Member and do whatever is necessary to resolve any such conflict in a way that protects the public interest</u> <u>Link to co-operative value of Honesty</u></p>	<u>Honesty</u>
<p>✓ <u>Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence</u></p>	<u>Leadership</u>

Disclosable Pecuniary Interests

The Monitoring Officer of Telford & Wrekin Council will maintain a Register of Disclosable Pecuniary Interests which can be found at <http://www.telford.gov.uk/councillors/name> or viewed by appointment with the Monitoring Officer by calling 01952 383200

<u>What</u>	<u>When</u>	<u>How</u>	<u>Impact on Meetings</u>
<u>Disclosable Pecuniary Interests</u>	<u>Within 28 days of election or re-election (if not already entered)</u>	<u>In writing to the Monitoring Officer detailing the existence and nature of the interest</u>	<u>Member cannot participate in or vote on the matter</u>
<u>Previously undeclared Disclosable Pecuniary Interest</u>			
<u>Outside a meeting</u>	<u>Within 28 days of the date of disclosure of a Disclosable Pecuniary Interest at a meeting</u>	<u>In writing to the Monitoring Officer detailing the existence and nature of the interest</u>	<u>Member cannot participate in or vote on the matter</u>
<u>During a meeting</u>	<u>As soon as the Member is aware that they have a Disclosable Pecuniary Interest</u>	<u>Verbally to the meeting detailing the existence and nature of the interest</u>	<u>Member cannot participate, participate further, vote or further vote on the matter</u>
<u>Sensitive Interests – ie where the Monitoring Officer agrees that the disclosure of the interest could lead the Member being subject to violence or intimidation</u>	<u>As above – depending upon the circumstances</u>	<u>As above but detailing the existence but not the nature of the interest</u>	<u>As above</u>

Dispensations

Dispensations can be granted by the Monitoring Officer (for 1 & 2) / Hearings Sub Committee (for 3 & 4), if, after considering the relevant circumstances:-

1. The number of Members precluded from transacting the business is so great that it would impede the business of the Council, committee or Executive
2. The political balance is affected to the extent that it could affect the outcome of a vote relating to the business
3. The dispensation is in the interests of persons living in the Borough of Telford & Wrekin area
4. It is otherwise appropriate to grant a dispensation

Disclosable Pecuniary Interests

Disclosable Pecuniary Interests may be amended from time to time by regulation but at 1st July 2012 they were:-

<u>Employment, office, trade or profession</u>	<u>Any employment, office, trade, profession or vocation carried out for profit or gain</u>
<u>Sponsorship</u>	<u>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a person in carrying out duties as a member, or towards the election expenses of that person</u>
<u>Contracts</u>	<u>Any contract which is made between the relevant person(or body in which the relevant person has a beneficial interest) and the relevant authority-</u> <u>(a) Under which goods or services are to be provided or works are to be executed; and</u> <u>(b) Which has not been fully discharged</u>
<u>Land</u>	<u>Any beneficial interest in land which is within the area of the relevant authority</u>
<u>Licenses</u>	<u>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer</u>
<u>Corporate tenancies</u>	<u>Any tenancy where (to the persons knowledge)-</u> <u>(a) The landlord is the relevant authority; and</u> <u>(b) The tenant is a body in which the relevant person has a beneficial interest</u>
<u>Securities</u>	<u>Any beneficial interest in securities of a body where-</u> <u>(a) That body (to the persons knowledge) has a place of business or land in the area of the relevant authority; and</u> <u>(b) Either-</u> <u>(i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</u> <u>(ii) If the share capital of that body is of more than one class, the total nominal value of the shares in any one class in which the relevant person has a beneficial interest that exceeds one hundredth of the total issued share capital of that class</u>

Preamble – General Principles

~~**Selflessness** – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.~~

~~**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.~~

~~**Objectivity** – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.~~

~~**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.~~

~~**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.~~

~~**Personal Judgement**—Members may take account of the view of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.~~

~~**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.~~

~~**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.~~

~~**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~~

~~**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.~~

Part 1 – General provisions

Introduction and interpretation

~~1. (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 **(a)**.[†]~~

~~(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

[†] See the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401)

- ~~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(a));~~

~~(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 investigations 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, 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. 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(a).²~~

~~7.—(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.~~

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;~~

² ~~(a) 1986 c.10~~

- ~~(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—~~
- ~~(i) (in the case of authorities with electoral divisions or wards) other council tax payers 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) 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(a).³~~

Prejudicial interest generally

- ~~10. (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~~

³ ~~(a) See the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations (S.I. 2000/3272)~~

~~(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.~~

Prejudicial interests arising in relation to scrutiny

~~11. You also have a prejudicial interest in any business before a scrutiny committee of your authority (or 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) 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; and~~

- ~~(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 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 for 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.~~

Standards in Local Government		
The promotion and maintenance of high standards of conduct within the Council		
To advise the council on the adoption or revision of its Code of Conduct	Standards Committee	
To monitor and advise the council about the operation of its Code of Conduct in the light of best practice, changes in the law and all appropriate guidance	Standards Committee	
Assistance to members and co-opted members of the authority		
To ensure that all members of the Council and co-optees have access to training in all aspects of the member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code	Standards Committee	
Other functions		
Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Localism Act 2011	Standards Committee	
[List] other functions delegated to the Committee by the Council in accordance with The Localism Act 2011, in accordance with any associated legislation and in accordance with any regulations made under that Act	Standards Committee	