



Standards and General Purposes Committee agenda

Date: Thursday 8 April 2021

Time: 10.00 am

Venue: Via MS Teams Video Conference, available to the public at
<https://buckinghamshire.public-i.tv/core/portal/home>

Membership:

J Waters (Chairman), H Mordue (Vice-Chairman), B Adams, S Adoh, M Appleyard, J Bloom, A Collingwood, C Etholen, G Harris, M Knight, S Lambert, G Moore, L Smith BEM and M Stannard

Independent Persons: A Austin, S Boyce and T Dobson

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If you have any queries regarding this, please contact the monitoring officer at monitoringofficer@buckinghamshire.gov.uk.

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2 Minutes To approve as a correct record the Minutes of the meeting held on 25 February 2021, copy attached.	3 - 12
3 Declarations of Interest Members to declare any interests.	
4 Review of the Constitution To consider the attached report.	13 - 42
Contact Officer: nick.graham@buckinghamshire.gov.uk	
5 Work Programme 15 April 2021 Local Government Ombudsmen Annual Report Bucks Electoral Review: Member Working Group Update Compliments and Complaints Report 2020-21 (Mid Year update) Constitution Working Group (Update) Draft Work Programme for 2021/22	

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For further information please contact: Clare Gray - democracy@buckinghamshire.gov.uk on , email democracy@buckinghamshire.gov.uk.



Standards and General Purposes Committee minutes

Minutes of the meeting of the Standards and General Purposes Committee held on Thursday 25 February 2021 in Via Video Conference: Accessible to members of the public at <https://buckinghamshire.publici.tv/core/portal/home>, commencing at 2.00 pm and concluding at 3.50 pm.

Members present

J Waters, H Mordue, M Appleyard, J Bloom, A Collingwood, C Etholen, G Harris, M Knight, S Lambert, G Moore, L Smith BEM and M Stannard

Independent Person: T Dobson

Agenda Item

1 Apologies

Apologies were received from Cllr Adoh and Stephanie Boyce, Independent Person.

2 Minutes

The Minutes of the Meeting held on 10 December 2021 were agreed as a correct record.

3 Declarations of Interest

There were no declarations of interest.

4 Buckinghamshire Electoral Review - Final Council numbers submission

The Committee noted that the Boundary Commission wished to undertake an Electoral Review of Buckinghamshire Council. The first phase of that Review sought to determine what should be the appropriate size of the Council in terms of the number of Councillors. The process required the Commission to seek representations to assist its deliberations.

In July 2020 the Standards & General Purposes Committee established a Member Working Group to formulate the Council's response and recommendations to the Boundary Commission's Electoral Review of the Council. That Working Group has met 10 times since July 2020 and has sought the advice and guidance of the Boundary Commission in the formulating of the Options paper who have attended many of its meetings. The Options paper, together with the completed Council size template, was the culmination of the Working Group's deliberations and concluded with a recommendation that the Council should submit to the Commission a proposal for a Council size of 120 elected Members.

The Director of Legal and Democratic Services reported on the submission as follows:-

- The Executive Summary was circulated in a supplementary agenda.
- The supporting annexes in the paperwork illustrated the role of the councillor in the governance structure and their role in the community they served, both critical to the work of the Council.
- Background information had been included such as demographic data and housing growth, plans on how the Council should be led and work carried out through regulatory functions.
- There was no scientific calculation in terms of the final proposal so the Working Group agreed to formulate an Options Paper with their thinking and rationale in terms of strategic and community leadership for a Council of this size. This included the future agenda for the Council; its ambitions concerning the involvement of Members in the strategic direction of the Council; the Scrutiny and Regulatory functions; and the role of Members as leaders in their localities.
- Evidence was provided of comparator unitary Councils largely drawn from recent data, but also referencing the earlier Ernst & Young report and the Unitary proposal from the former Buckinghamshire County Council.
- Phase 2 would look at ward boundaries.

During discussion the following points were made:-

- A Member commented that he considered 120 to high and suggested 80 or 90 councillors and referred to the previous county council unitary business case which had proposed 98 councillors.
- A representative of the Member Working Group commented that they had looked at all the detailed evidence and had come up with a logical proposal. With the new Council there would still be the same workload in relation to meetings and partnership work and it was important to recognise the consequences of moving to 120 councillors and individual workload. At current casework levels each councillor had 21 hours per week on average which would go up to 32 hours per week with 120 councillors. This was almost a full time job and would put off attracting new councillors who worked. He asked that the increase in hours be highlighted (point 24).
- Another Member supported the comment with regard to 120 councillors and that this could not be reduced any further as it would mean that only retired people would apply or those of independent means. He supported the strong conviction of the Working Group that Councillors should be drawn from the widest range of backgrounds, ages, knowledge and experience to better represent the communities served and that the amount of time required to be an effective Councillor – to prepare for and attend meetings and attend to casework - should not be at a level that was prohibitive, particularly for those who are employed or in a caring role, or just wish for a balanced life. It should not be considered a full time role.
- A Member commented that the previous unitary business case of 98 Members related to governance roles only and not the role of the local

member.

- It was very difficult to make comparisons across authorities e.g. comparing Birmingham to Cornwall but 120 was right for Buckinghamshire.
- The timing of the review was unfortunate – not one single day of the unitary authority had been in normal times as the pandemic hit in March. There would be a reduction in May 2021 to 147 and it was unclear what this impact would have on councillor’s workloads. The review had been undertaken too quickly and the Council should have been allowed a year of normal operation with 147 Members before they were asked to provide evidence.
- One Member commented that this decision had been made back to front and that a decision should be taken first on the number of Members per ward and the number of wards. Some additional time should be given in the first year to provide evidence with 147 councillors. Members noted it was statutory guidance that the Boundary Commission reviewed the number of councillors first and then went on to look at warding arrangements.
- This Council would be radically different especially being the first unitary authority post-covid. The casework for councillors had increased exponentially since the pandemic started and with this proposal the number of councillors would be halved. In response it was noted that the document referred to the impact on the business of the Council including town centres with the pandemic rather than casework but a sentence could be added to reflect this.
- There needed to be a clear definition between the difference 120 councillors would make compared to 98 and that the Council would have to operate completely differently to deliver services and to remain directly connected to residents in their communities. There was particularly a heavy workload in relation to regulatory committees. The Working Group has undertaken an analysis of workload on Councillors by reference to Council size and outlined their concern that a smaller size could increase workload to such an extent that it would necessitate a departure from its ‘Member-led’ ambitions.
- Once the number of councillors had been reduced it would be difficult to increase the number.

Once agreed a letter could be written by the Chairman to the Boundary Commission with the Options paper and the council size template informing them of the Committee’s decision.

The Committee thanked officers for their in depth report. On a vote being taken it was **RESOLVED** (with one Member against) :-

- 1 That the work of the Member Working Group set up by this Committee in July 2020 to consider its response to the first phase of the Boundary Commission’s Electoral Review be noted.**
- 2. That the completed Council size template for submission to the Boundary Commission be approved.**
- 3. That the Working Group’s Options paper and recommendation as to the appropriate Council size of 120 (one hundred and twenty) Councillors to the**

Boundary Commission be approved.

4. **That authority be delegated to the Director of Legal & Democratic Services in consultation with the Chairman of this Committee to make any amendments to the submissions to the Commission in the light of any further comments from the Committee and any minor/typographical changes.**
5. **That the Working Group should continue to meet so as to address any queries or questions that the Boundary Commission may have regarding the submission, and to plan for Phase 2 of the Electoral Review.**

5 Model Member Code of Conduct

The Committee noted that on 19 January 2021 the Local Government Association published a model Councillor Code of Conduct (the Model Code) which was “designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government”.

The publication of the Model Code had co-incided with the timings of the review into the Council’s Code of Conduct and this report presented the Model Code (Appendix A of the report), compared it to the Council’s current Code of Conduct (at Appendices C and D) and raised specific issues to consider in relation to suggested amendments.

When researching the local Codes of Conduct, the Committee on Standards in Public Life found there was considerable variation in the length, quality and clarity of codes of conduct. They believed that this created confusion among members of the public, and among councillors who represent more than one tier of local government. The Model Code of Conduct should help with consistency across all levels of local government within the Buckinghamshire Council area.

A supplementary pack was published which included a revised version of Appendix D (Comparison of Obligations) in relation to the model code of conduct – the changes were shown in yellow under the second heading ‘obligations’.

The Principal Solicitor reported that in summary the Model Code: -

- Continued to require upholding the seven principles of public life (the Nolan Principles) and translated these to general principles of conduct
- Contained 10 general obligations (broken down into 21 specific obligations) with guidance and explanation
- Set out legal requirements
- Defined a councillor as a member or co-opted member of a local authority
- Set out when the Code applies and in addition to ‘acting in capacity as a councillor or representative of the Council’, includes when actions ‘would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor’
- Introduces:
 - Concept of acting with civility

- The word 'harassment' and a definition of bullying and harassment
- Under the Obligation to comply with the Code of Conduct: to undertake Code of Conduct training, co-operate with any investigation or determination, not to intimidate persons administering or investigating a complaint and to comply with any sanctions
 - Included reference to social media
 - Required employees of the Council, partners and volunteers for the local authority to be treated with respect
 - Required registration of gifts and hospitality with a value of £50 and over
 - Maintained the concept of 'bringing the council into disrepute'
 - Codified the position on declaration and participation in relation to personal interests

Scope and Social Media

It was considered that the Model Code would apply in the same circumstances and situations as the Council's Code and provided a clear, objective and reasonable test of applicability on a case by case basis. The Model Code did not, however, cover the situation when acting as a representative of the Council on another authority or body and there was another Code of Conduct applicable (this was in paragraph 2.4 of the Council's Code). This could be amended in the Model Code to make this clear. The Principal Solicitor reported that when you act as a representative of the Council on another authority you must comply with that other authority's code of conduct.

The Committee suggested that the current council code should be used.

Obligations

Although set out differently the general principles and general obligations were comparable with those in the Council's Code. Whilst it did not contain the detail in paragraph 2.7 of the Council's Code relating to exercising independent judgement and taking decisions for good and substantial reasons it did have a general obligation to impartially exercise responsibilities in the interests of the local community.

The Committee suggested that the current council code should be used.

Gifts and Hospitality Threshold

The monetary threshold of £50 and over for registration of gifts and hospitality in the Model Code was more than the £25 threshold in the Council's current Code. The Principal Solicitor reported that:-

- The LGA reports that over 7 in 10 respondents (72%) supported £25 as the threshold for registering gifts and hospitality. 9% of respondents thought that the threshold should be lower than £25 while 16% felt that it should be higher.
- Neighbouring authorities limits (currently) range between £25 (Central Bedfordshire Council) and £100 (Milton Keynes Council).

A Member commented that the Council should adopt the same threshold as Milton Keynes Council as they were a similar authority. In addition with the cost of living and inflation etc. £25 was a small amount. The Principal Solicitor commented that the threshold related to registering gifts and hospitality not that councillors were precluded from accepting gifts of that value. The lower thresholds provided greater

transparency but it had been at this level for a number of years and did not take account of inflation.

The Committee suggested that the threshold should be set at £50.

Co-opted members

The Committee may want to consider whether the Code should extend to co-opted members who do not have voting rights. It was expected this would mainly apply to representatives of other organisations on Committee's who may however be subject to their own Codes of Conduct or conduct requirements which were likely to be comparable.

The Committee suggested that it should be extended to co-opted Members who did not have voting rights.

Dealing with disrespect

Under the obligation of respect, the Model Code advised councillors to 'report' members of the public who were abusive, intimidatory or threatening to the local authority. Given the jurisdiction of the local authority and the police for example, consideration could be given to whether the word 'report' was amended to 'seek guidance from'.

Members discussed whether 'seek guidance from' was robust enough. The Director of Legal and Democratic Services reported that if there was any criminal liability it would not be a matter for the Council. In terms of harassment there may be civil action. The words 'seek guidance from' implied that there could be a number of actions which could result in reporting to the police. The expectation, as the Council had a zero tolerance policy, was that matters such as this would be reported to the police. The Director of Legal and Democratic Services reported that a statement could be included in the code.

The Committee suggested using the word 'seek guidance with a view to ...'.

Personal Interests and Participation

The Model Code included the Disclosable Pecuniary Interests (DPI) as set out in Regulations and which are the same as detailed in the Council's Code. In relation to other interests a comparison of the requirements was set out in Appendix D of the report which showed that the provisions were broadly comparable, however the Council's Code included definitions and was slightly more detailed, the advantage of which was clarity but the disadvantage was that it was prescriptive.

It was considered that the provisions in the Model Code relating to interests may be confusing in practice: as well as DPI's it referred to other interests and non-registerable interests but did not give much detail. In addition, the Model Code also sets out that members were not to participate or vote on any business in which they have a personal interest except where a dispensation had been granted. This was a departure from the Council's Code and that of many other authorities which usually allow both participation and voting for a personal interest which was not prejudicial. The advantage of not allowing any participation with an interest was that it took away any confusion over the type of interest for the member and a dispensation

could be requested where a member still wished to take part with greater transparency.

The other side of this was that dispensations for DPI's could only be granted in defined circumstances which may need to be extended in respect of personal interests. If this was done it would result in differing rules in any event (so a determination on the type of interest was still required), an increased number of requests for dispensations and move the onus of deciding the appropriate participation in the case of personal as well as pecuniary interests to the Monitoring Officer.

A comment was made that if the code was made too ambiguous then Members could be more likely to breach the code and claim that it was not clear. There was a concern as the Model Code provided very little detail on this area.

Another Member expressed concern about not being able to speak on any personal interest as often interests were declared at Parish Councils because they also acted as Buckinghamshire councillors and reference was also made to Planning Committees.

The Committee suggested that the current council code should be used as it provided more clarity than the model Code of Conduct.

Guidance

The current Arrangements for dealing with complaints and the associated Guidance may require updating if the Model Code was adopted (with or without amendments). It was suggested that this could be most easily done under a specific delegated power once the final Code was determined.

The Director of Legal and Democratic Services reported that there would always be a tension between putting forward political views and the freedom of speech versus civility and this could be resolved by a complaint informally through the Monitoring Officer or through the Standards process. There was also the issue of when a councillor was putting forward views as a councillor or in their own personal interests. The law accepts that a councillor will be putting views forward in meetings or sitting on a Board or Committee. It was less clear in putting forward views via social media and councillors were given guidance on this issue. The model code of conduct does go further to give advice on whether a reasonable member of the public would consider whether they were acting as a councillor at that particular time when the conduct occurred. In relation to interests the model code was scant compared to the Council's current code and it was important to have clarity in this area to ensure good governance and decision making. Having more detail was also beneficial to officers when given advice to councillors.

The Principal Solicitor reported that the model code of conduct said that "As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack."

During discussion the following general points were made:-

- A Member asked whether the current code was a mixture of good practice within the legacy Council codes. The Director of Legal and Democratic Services reported that most Councils had previously adopted a Model Code of Conduct so there would not have been significant differences between the legacy Councils. Town and Parish Council codes could be significantly different. A Member commented that it would make sense to have more consistency across all Councils.
- A Member asked for clarification where it said that the Model Code of Conduct could be amended to include local issues and what this included. The Director of Legal and Democratic Services referred to the previous National Standards Committee which was amended to ensure more local arrangements so that local councils could adopt their own code.
- Subject to amendments at the meeting, a proposed code would be brought back to Members for agreement.
- It was essential that the code was reviewed once a year so that it was an evolving document not static. It was also important that it provided detailed guidance on social media.

RESOLVED

That the Model Code of Conduct be updated with the agreed suggestions above and be brought back to the next meeting of the Standards and General Purposes Committee so that a final document could be recommended to Full Council for adoption.

6 Constitution Working Group - Update

The Committee noted that a Working Group had been formed to discuss possible changes to the Constitution which would need to be discussed by this Committee and also Audit and Governance Committee. The Working Group had undertaken some work following the Notice of Motion discussed at Full Council relating to planning aspects which would help with drafting changes to the constitution. In addition, there were other changes including procedures for Committees and adding information on the governance and terms of reference of Community Boards. Further work was required on these constitutional changes. A further meeting would be arranged before the next full council on 21 April so this Committee can make recommendations.

7 Work Programme

Work Programme

8 April

Review of constitution including the code of conduct

15 April

1. Annual Review of Code of Conduct and Complaints Procedure

2. LGO Annual Report

3. Bucks Electoral Review: Member Working Group update (if required)
4. Compliments and Complaints Report 2020-21 (Mid Year update)
5. Constitution Working Group (Update)
6. Draft Work Programme for 2021-22

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Report to Standards and General Purposes Committee

Date: 8 April 2021

Title: Review of the Constitution

Author and/or contact officer: Nick Graham Service Director Legal and Democratic Services
nick.graham@buckinghamshire.gov.uk

Ward(s) affected: none specific

Recommendations: Committee is asked to:-

1. Note and provide comments on the proposals for changes to the Constitution.
2. Resolve to recommend the proposals for changes to the Constitution, with any amendments, to full Council.

Reason for decision: To provide recommendations to Council to update the Constitution to allow better and more transparent decision-making.

Content of report

- 1.1 Under s9P Local Government Act 2000 the Council is required to prepare and keep up to date a Constitution containing the standing orders of the Council and such other information as is required or is desirable. On 27 February 2020 Buckinghamshire Council Shadow Authority adopted the Buckinghamshire Council Constitution to have effect from 1 April 2020. It was also resolved that the Constitution would be reviewed in April 2021 to ensure the Council's operation as a new authority was properly supported and governed by the Constitution.
- 1.2 The power to change the Constitution is reserved to full Council via recommendation of this Committee although the Monitoring Officer also has delegated authority to make minor amendments where appropriate.
- 1.3 A Constitution Members Working Group consisting of the Chairmen and Vice-chairmen of both this Committee and the Audit and Governance Committee has met a number of times to consider proposed changes and provide initial comments to help inform

the review of the Constitution as required by full Council. Feedback from appropriate members and officers to the proposals has also been obtained.

- 1.4 As the Audit and Governance Committee has responsibility to maintain an overview of those aspects of the Council's Constitution which relate to decision-making, the Contract Procedure Rules and the Financial Procedure Rules, proposals for changes to the Constitution, apart from the Code of Conduct, were presented to the Audit and Governance Committee on 24 March 2021. The proposals were approved without amendment for referral to this Committee and are attached as Appendix A.
- 1.5 This Committee has responsibility for matters connected to councillor standards and ethics and recommending changes to the Constitution to full Council. A report relating to the adoption of the Local Government Association Model Code of Conduct was considered by this Committee on 25 February 2021 and various changes requested. The proposed updated Code of Conduct is attached as Appendix B.
- 1.6 This Committee is being asked to consider the results of the review and the proposed changes set out in Appendices A and B, and to make a recommendation to full Council that the proposals to be adopted.
- 1.7 The Committee will note that some of the changes are set out in detail while others are in principle to allow drafting of proposed changes to take account of member feedback, further legal input or ensure other affected parts of the Constitution can be amended accordingly. It is anticipated that full Council would authorise the Monitoring Officer to finalise the drafting of the changes with the approval of the Constitution Members Working Group.

Other options considered

- 1.8 The proposed changes are considered desirable to allow the Council to operate more effectively, however recommendation to full Council could also be delayed to allow greater feedback on the proposed changes.

Legal and financial implications

- 1.9 None except as set out in the body of the report.

Corporate implications

- 1.10 The effectiveness of the Constitution is central to the operation of the Council as a whole and supports transparency, governance and good decision making. Reviews to ensure the Constitution is fit for purpose and effective should be undertaken regularly.

Consultation and communication

- 1.11 The Constitution will be updated on the Council's website and will be communicated to members and officers when appropriate to ensure the correct procedures are being used.

Next steps and review

Finalise drafting where appropriate and either request further feedback or recommend to full Council.

Background papers

None

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APPENDIX A

Constitution Review**Proposals for Changes to the Constitution****Responsibility for Updating the Constitution**

1. Recommend that the overlap of responsibilities between the Audit and Governance Committee and the Standards and General Purposes Committee in relation to oversight and changes to the Constitution are separated and clarified.

As regards constitutional elements suggested that standards and ethical matters (not including the Officer Code of Conduct or other personnel matters) are reserved to Standards and General Purposes Committee and all other constitutional elements reserved to Audit and Governance Committee with all changes to the Constitution to be recommended via the Standards and General Purposes Committee.

Reasons: to clarify and set out the roles and responsibilities of each Committee and clear path for changes to avoid duplication or overlap. There is also concern that the current definitions and responsibilities have a potential to create a gap in responsibilities in this regard. This will result in constitution changes other than standards and ethics taking a longer route via both Audit and Governance and Standards and General Purposes Committees but will ensure that one committee has full oversight of all changes.

Joint Arrangements

2. Recommend the extent of joint arrangements detailed within the Constitution is reviewed and delegated authority is given to the Monitoring Officer to update relevant parts of the Constitution to appropriately reflect the position. This will include the Channel Panel

Reasons: full details were not originally included in the Constitution to allow flexibility especially where re-organisation issues were still to be finalised. Including more joint working arrangements, such as advisory groups, panels and partnerships assists transparency and understanding of the structure of the Council as well as decision making and accountability.

This is intended to be an update to reflect arrangements already in place and will not create any new joint arrangements.

Community Boards

3. Recommend further details of the Terms of Reference, including references to awards of grants, are included in the Constitution via a delegation to the Monitoring Officer to update with the current arrangements.

Reasons: details of the Community Boards were not included to allow development of the Boards with the community. The Boards have been operating for some time and whilst they are meant to be flexible and informal it is now considered appropriate to include details in the Constitution to aid transparency and create consistency by utilising the best current practices as a base.

As the details need to be relevant and applicable to all Boards taking into account local variations, it is not proposed that the details are to be prescriptive. They will however reflect the current position and operation of the Boards and will not introduce any new powers.

Council and Committee Procedure Rules

Motions

4. Recommend the insertion of clauses relating to rescission of previous decisions and motions previously rejected.

Motion to rescind a previous decision

1. No motion or amendment to a motion to reverse a decision made at a meeting of the Council within the preceding six months shall be moved unless the notice of motion is signed by at least [15] councillors (including the proposer).

Motion similar to one previously rejected

2. No motion or amendment to a motion to the same effect as one rejected by the Council within the preceding six months shall be moved unless the notice of motion is signed by at least [15] councillors (including the proposer). Once the Council has determined the extant motion or amendment, no one may propose a similar motion or amendment within a further period of [six] months.

3. The requirements in Rules 1 and 2 above shall not apply where the motion in question arises from the recommendation of the Cabinet or a committee.

Reasons: while the Monitoring Officer, in consultation with the Chairman, can refuse to accept motions which are illegal, improper, vexatious or out of order having specific clause to cover this, together with a threshold for support will allow greater clarity and fairness.

5. Recommend the decision on whether to refuse motions which are illegal, improper, vexatious or out of order is changed from “*the Monitoring Officer in consultation with the Chairman*” to “*the Chairman in consultation with the Monitoring Officer*”.

Reasons: similar decisions, eg on content of questions, rests with the Chairman and aligns with the overall role of the Chairman. Monitoring Officer will still have the legal oversight due to notice requirements and consultation.

Deadline for questions

6. Recommend change to the notice period for member questions to Cabinet from midday 5 clear working days before the meeting to midday [3] clear working days before the meeting. Retain exception for urgent questions with the consent of the Chairman/Leader.

Reasons: It was expected that agendas would be published earlier than the required 5 clear working days before the meeting. However where the minimum publication time is observed, ie up to midnight on the 6th working day before the meeting, members could miss the deadline whilst waiting for the agenda.

Planning Committee Procedures

7. Para 3.13(f) Consider changing the decision-maker on the order that planning applications will be considered to the Service Director in consultation with the Chairman

Reason: There may be circumstances where applications need to be considered by the same committee and that the order in which they are considered by committee is important due to inter-dependencies. Whilst this is likely to only occur in a minority of cases, the proposed change allows the service to manage the agenda in consultation with the Chairman.

Planning Speaking Arrangements

8. Para. 3.19 – amend the order in which Planning Applications are to be decided to include points of clarification from all speakers after the speakers have spoken as well as after the end of the debate in accordance with the current public speaking arrangements. To include clarification on the application itself.

Reason: The proposed change is to clarify current public speaking arrangements.

9. Para. 3.20 states that: *“The following will be invited to speak at the first Planning Committee meeting at which a matter is considered: a. Members of the public who have previously made written representations objecting to or in support of the application; b. Town or Parish Councils who have been consulted on the application and where they have made a written representation; c. Members of the Council; and d. The applicant or agent.*

We currently notify all ward members and any members who have called the application in to committee, however the constitution allows any member to speak at committee. Ideally we therefore need a requirement for Members to register to speak in the same way other speakers do. It is therefore recommended that a line is added to the following effect *‘all those wishing to speak at Planning Committee will need to register to do so’*. However also see proposal at 10 below.

Reason: The proposed change is to clarify current arrangements and assist with the co-ordination of the Planning Committees.

10. Consider giving an automatic right to speak to the member(s) calling in the application **without** the need to register (ie an exception to the suggestion at 9 above).

Reason: such Members will be expected to speak anyway and will have called in for specific reasons, having this as an automatic right will lessen the administration and ensure those Members cannot lose their rights by oversight.

11. Recommend further clarity is provided to ensure that only the person who has spoken, even if it is on behalf of another person, is able to answer points of clarification during the committee meeting and extend flexibility on speaking arrangements to Area Committees.

Reason: To ensure a consistent approach is taken across the Area and Strategic Planning committees.

Planning decision different from Officer Recommendations

12. Para 3.25 – consider adding additional paragraphs to provide a procedure for when the Committee is minded to not follow the recommendation of officers including discretion for the Chairman to adjourn to either later the same day or to a different day

Reason: The proposed change is to add greater clarity on the procedure to be followed in circumstances where the committee reach a different conclusion to the recommendation of officers.

Planning Call In

13. Para 3.31 (a) Consider allowing notification of wish to call in by Councillors after 28 days provided material considerations and reasons for the delayed request to call-in are included and the application has not already been decided.

Currently states *“Within 28 days of being notified of a Planning Application, members must use Public Access to notify the planning officer that they may wish to call-in the Planning Application to the relevant Planning Committee”*.

The 28 day period is essential in order that the Council is able to determine applications within statutory timescales. It is however recognised that we need to take into account the evolution of a planning application. It is therefore proposed to provide some flexibility to accommodate such circumstances and to allow the Service Director Planning and Environment in consultation with the Chairman to consider issues raised by members after the 28 days that may merit further scrutiny at committee.

It is suggested that a new paragraph 3.32 is inserted as follows:

“If after the 28 days of being notified of a Planning Application as a direct result of substantial changes to the Planning Application, or change of circumstances or another reason for the delay in notification members notify the planning officer, using Public

Access, that they wish to call in the Planning Application to the relevant Planning Committee citing material planning reasons then, provided the application has not yet been decided, the Service Director Planning and Environment in consultation with the Chairman (or, in his absence, the Vice-Chairman) of the relevant Planning Committee will consider the request and determine whether or not the matters raised would benefit from scrutiny at Planning Committee, or whether the exercise of delegated powers is appropriate”

Reason: to take into account the evolution of Planning Applications, which may result in change of a Members position, past the 28 day call in period. This would need to be treated separately to the process outlined in 3.31 (a-e) to ensure the Council could meet statutory timescales in determining applications.

14. Include requirement for officers to inform councillors where a call in request is not agree and a requirement that where a call in has been made by all members of a particular ward the matter will be automatically referred to committee.

Reason: Whilst the number of call-in requests that have not been agreed are very much in a minority of cases, there have been instances where local members have not been informed of the decision and have only found out once an application has been determined. This change would make it clear that the service will inform local members if a call-in decision has not been agreed.

Where all members of a particular ward agree that an application should be considered by planning committee indicates there is greater public interest in having a referral. Providing this as an automatic referral provides greater certainty.

15. Para 3.31 – Consider amending the whole of Para 3.31 and extending the opportunity to request a call-in to planning committee to Town and Parish Councils with material reasons and an undertaking to attend the meeting if referred to committee.

This would mean Town and Parish Councils would have 28 days to request a call-in via the Public Access system. Once received, the request to call-in would be considered by the Service Director for Planning and Environment and the relevant Chairman.

Reason: Having considered feedback from Town and Parish Councils, the majority are comfortable with the current arrangement of call-ins being directed through their unitary councillor. It was however agreed that this part of the constitution would be reviewed following concerns expressed by Town and Parish Councils, particularly in the north of the county, who previously had the right to call in planning applications to committee. The change recommended here does not give an absolute right for call-in but it does offer the opportunity for Town and Parish Councils to request a call-in (the same opportunity afforded to unitary councillors). However, it would remain the responsibility of the senior officer, in consultation with the Chairman to decide whether or not applications should be considered by committee or if they should be delegated. This change is considered to strike an appropriate balance between the needs of the service and applicants and those of Town and Parish Councils. A separate call-in process would need to be developed for Town and Parish Councils.

Strategic Sites Committee

16. consider changing Para 1.2 of the terms of reference for referral of matters to the Strategic Sites Committee as tracked below:

“Responsibility for:

- a. wider strategic development;*
- b. sites which have a significant impact beyond the specific local area; ~~and~~ or*
- c. sites fundamental to the implementation of an adopted or emerging Local Plan.*

By way of example, ~~¶~~this will include but is not limited to:

i Major infrastructure;

~~ii Minerals and Waste;~~

~~iii Secondary Schools;~~

~~iii~~ Large Scale Major Development comprising:

- Housing (approx. 400 dwellings* or more)*
- Employment (approx. 10,000 sq m or 2 hectares* or more)*
- Retail (approx. 10,000 sq m or 2 hectares* or more)*

**exceptionally, smaller schemes may be considered by the Strategic Sites committee.*

Reason: The criteria contained in the Constitution are indicative only and it is a matter of interpretation of the relevant Service Director which applications are reported to Strategic Sites Committee. This proposed change therefore emphasises this point and makes it clear that the Service Director retains a discretion to determine the appropriate route for planning applications. It is strongly advised that the Council seeks to avoid becoming very prescriptive about which applications are reported to which committee as this could impact on the efficient operation of the service. (Please also see comments in paragraph 17 below)

Area Planning Committees

17. Recommended the terms of reference for the Area Planning Committee are simplified to highlight that some matters may come within the remit of both an Area Planning Committee and the Strategic Sites Committee in which case responsibility will be determined by the referral made (para 1.1) and remove the current text of paragraph 1.2 and replace it with:

“To determine those planning applications and other matters referred to and brought before the Committee for consideration and determination which are not referred to the Strategic Sites Committee or otherwise come within the remit of Strategic Sites Committee.”

Reason: To reflect the purpose and responsibility of the Area Planning Committee in a more easily understood way utilising plain English as appropriate. This may also require similar amendments for consistency in the Strategic Sites Committee terms of reference.

Planning Appeals and Non-Determination

18. Include discretion for Service Director in consultation with the chairman to determine whether a 'minded to decision' relating to an appeal on non-determination can be delegated to officers or referred to the relevant planning committee

Reason: although this is within the general delegations, suggest include for clarity and transparency. A 'minded to decision' sets out the position the Council will take at an appeal on non-determination. The appeal will be determined by the Planning Inspectorate.

Licensing

19. Amend terms of reference so that as required in the Budget and Policy Framework only those policies which come within the Statement of Licensing Policy are required to be adopted by Full Council. Other licensing policies outside of the Statement of Licensing Policy to be dealt with by the Licensing Committee unless they decide to refer to Full Council.

Reasons: current terms of reference require the development and review of policies relating to the functions of the Licensing Committee to be submitted to Full Council for adoption. Some of these are not within the Statement of Licensing Policy and can be dealt with by the Committee. They can still be referred to Full Council for example where the matters of policy affecting the public are significant or a wide departure from the existing position.

20. Include formal speaking arrangements and associated procedures for speaking at Regulatory Committees within Constitution

Reasons: to provide clarity and to ensure references and procedures within the Constitution are complete.

Senior Appointments and Pay Committee

21. Amend terms of reference to include power to suspend the Chief Executive, Monitoring Officer or Section 151 Officer pending investigations and to carry out, where appropriate, equivalent procedures under the Senior Managers Policy in relation to the statutory officers.

Reasons: it is considered prudent to include this to ensure there are no gaps in the employment procedures as regards statutory officers or where it may be difficult or inappropriate for other offices to deal with such employment issues. This is intended to support and supplement the Senior Managers Policy.

Contract Procedure Rules

22. Technical amendments required to procedures relating to opening tenders, clarification of threshold levels, extend sealing to contracts above £1,000,000 except in an emergency and with approval of S151 Officer, up to date terminology and to reflect current changes in legislation as a result of Brexit.

Reasons: to clarify and bring up to date with legislation and current practice. In relation to sealing, it is currently *possible* that a contract above £1,000,000 might not require sealing. Suggest that except in limited circumstances which would be approved by the S151 Officer all contracts over this amount should be sealed.

Waivers

23. Amend 6.22(c) to remove the requirement for a financial assessment for waivers below £50,000.

Reasons: as this relates to lower value procurements it is not considered that such an assessment will be necessary in the majority of cases. The sign off procedure for waivers allows challenge and regular reports are provided to the Audit and Governance Committee on waivers.

24. Remove Monitoring Officer from approval process for waivers but include a proviso that a minimum of 3 separate approvals must be obtained for each waiver.

Reasons: there are currently 4 approvers required for a waiver: S151 Officer (or delegated officer); Monitoring Officer, Corporate Director and Cabinet/Portfolio Holder or Chief Executive. As detailed above, regular reports are provided to Audit and Governance Committee regarding the waivers granted (and refused) to provide oversight by members and support good governance in this area. Whilst there are some delegations in place (from the S151 Officer and Monitoring Officer) this remains cumbersome and can still create extra burdens. Given the governance and oversight already built into the system, it is considered that this is not necessary.

Delegations

25. Except where delegated authority already exists, change the delegations in an emergency from:

In a major emergency listed below, the Leader or Deputy Leader or in their absence the relevant Cabinet Member or, if appropriate, the Chief Executive or a Corporate Director may take any immediate urgent decision required without consultation.

to:

In a major emergency listed below, the Leader may take any immediate urgent decision required without consultation. In the event that the Leader cannot be contacted or is unavailable either of the Deputy Leaders may take any immediate urgent decision required without consultation. In the event that the Leader and neither of the Deputy Leaders can be contacted or are unavailable for any reason the Chief Executive may take any immediate urgent decision required without consultation.

Reasons: to retain decision making with members.

26. Extend power to take decisions in the absence of directors to Deputy Chief Executive as well as the Chief Executive

Reasons: ensure backup for Chief Executive and spread of workload.

27. Consider whether to prohibit delegations from two different senior officers to the same officer.

Reasons: there is no prohibition on this and if done would effectively reduce the number of decision makers, oversight and governance and potentially increase the possibility of fraudulent decision making.

28. Review and amend as appropriate powers to take legal action as per the Legal Exceptions Chart (also see 29. Below).

Reasons: as legal action is reserved to the Service Director Legal and Democratic Services and to the Corporate Directors greater clarity is needed over the split of responsibilities, ie instructions and decisions, advice and the proceedings themselves. This will complement service reviews and is not meant to change the current position.

29. Amend the clarifications on delegations to the Corporate Director or Directors with responsibility for planning to include defending planning appeals (also see 28. Above)

Reasons: although the general delegations would include this, listing it would clarify the position. Further details of legal input and advice are however still required, (eg to ensure no overlap with 18 above).

30. Clarify that the definition of “Planning Officers” in respect of referral of private planning applications to Committee in the Legal Exceptions Chart includes all officers working in the Planning and Environment Service.

Reasons: although Planning Support or Administrative Officers take no part in decision making, for transparency it is considered that all planning applications made by any officer working within the Planning and Environment Service should go to Committee. This was meant to be the case but due to the technical definition included in the Constitution for other purposes this is not necessarily clear and should be clarified.

31. Update Legal Exceptions Chart to clarify that a Planning Application is as detailed in the Glossary to the Constitution.

Reasons: only outline, full or reserved matter applications are able to be called into committee. However the use of lower case “planning applications” could lead members of the public and local members to believe that any application made to the Planning Department may be called in to committee such as applications to discharge conditions, Certificates of lawfulness, advertising consents, etc. By referring back to the Glossary definition this would be clarified.

32. Change Select Committee membership requirements and restrictions to preclude Select Committee members from being members of executive working groups.

Reasons: where a policy or proposal considered by an executive working group is called in or otherwise considered by a Select Committee, this ensures that no member will be reviewing or scrutinising a decision in which they took part. This supports the scrutiny function of the Select Committees.

Planning Protocol (Not part of Constitution)

Whilst not part of the Constitution, the Planning Protocol is attached as an appendix to the constitution. Following a year of operation, there are some areas of the protocol that need to be updated. These changes are agreed with the Cabinet Member and will be introduced when a new constitution is published.

APPENDIX B**Councillor Code of Conduct 2020****Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations. Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

All councils are required to have a local Councillor Code of Conduct.

The Council will undertake an annual review of this Code to ensure it continues to be fit-for purpose, incorporating advances in technology, social media and changes in legislation.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member of Buckinghamshire Council or co-opted member of a committee or sub-committee. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct the definition is extended to include those persons who come within a) and b) whether or not they are entitled to vote.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out

the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The Council encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

Subject to (a) and (b) below this Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor

(a) If you act as a representative on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

(b) When you act as a representative of the Council on another authority, you must when acting for that authority, comply with that other authority's code of conduct.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any

conversation or interaction in person or online and seek guidance from the Council, with a view to reporting the matter to the relevant social media provider or the police where appropriate.

This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example,

their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Exercising Independent Judgement

As a councillor:

7.1 I exercise my own independent judgement, taking decisions for good and substantial reasons.

When making decisions you are expected to act in the public interest and as part of this to attach appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups.

Good and substantial reasons will include paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Section 151 Officer and the Monitoring Officer.

As part of your decision making and for full transparency where the reasons for your decision are not otherwise apparent or required to be detailed you will also be expected to state the reasons for your decisions.

8. Use of local authority resources and facilities

As a councillor:

8.1 I do not misuse council resources.

8.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

9. Complying with the Code of Conduct

As a Councillor:

9.1 I undertake Code of Conduct training provided by my local authority.

9.2 I cooperate with any Code of Conduct investigation and/or determination.

9.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

9.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Monitoring Officer.

Protecting your reputation and the reputation of the local authority

10. Interests

As a councillor:

10.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1** I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

- 10.2** I register with the Monitoring Officer any gift or hospitality with an estimated value of at least **£50** within 28 days of its receipt.

- 10.3** I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact the Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Personal Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of Disclosable Pecuniary Interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest.
5. Where you have a Disclosable Pecuniary Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Personal Interests

7. Where a matter arises at a meeting which is a Personal Interest as set out in Table 2, you must disclose the interest.
8. Unless your Personal Interest is also a Prejudicial Interest within Table 3, you may still speak on the matter and take part in any discussion or vote on the matter. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where a matter is a Personal Interest within **Table 2 and also** a Prejudicial Interest under **Table 3** You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

9. 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 make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities* of) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* '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 and other securities of any description, other than money deposited with a building society.

Table 2: Personal Interests

You have a **personal interest** in any business of your authority where:

1. it relates to or is likely to affect any body of which you are a member or in a position of general control or management and:

- a) to which you are nominated or appointed by your authority
or
- b) the body
 - (i) exercises functions of a public nature
 - (ii) is directed to charitable purposes or
 - (iii) one of its principal purposes includes the influence of public opinion or policy (including any political party or trade union)

2. 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 other council tax payers, ratepayers or inhabitants of the ward affected by the decision.

3. A relevant person is –

- i** A member of your family or any person with whom you have a close personal association; or
- ii** 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; or
- iii** 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
- iv** Any person or body of a type described in paragraph 1 above

Table 3: Prejudicial Interests

Prejudicial Interest Generally

- 1.1. Subject to Paragraph 1.2, where you have a **personal interest** in any business of the Council you also have a **prejudicial interest** in that business where the interest is one which a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

- 1.2. You do **not** have a **prejudicial interest** in any business of the Council where that business—
 - a. does not affect your financial position or the financial position of a person or body described in Paragraph 3 of **Table 2** above;
 - 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 3 of **Table 2** above; or
 - c. relates to the functions of the Council in respect of—
 - i an allowance, payment or indemnity given to councillors;
 - ii any ceremonial honour given to councillors; and
 - iii setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial Interests Arising in Relation to Select Committees

- 1.3. You **will** have a **prejudicial interest** in any business before a Select Committee of the Council (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 the Cabinet or another of the Council’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 Cabinet, 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.

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