

Public Document Pack

29 September 2017	Our Ref	Standards Cttee/10.10.17
	Your Ref.	
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To: The Chairman and Members of the Standards Committee of North Hertfordshire District Council

District Councillors Councillor Mike Rice (Chairman), Councillor Steve Hemingway (Vice-Chairman), Councillor Judi Billing, Councillor Julian Cunningham, Councillor Jane Gray, Councillor David Levett, Councillor Bernard Lovewell, Councillor Ian Mantle, Councillor Paul Marment, Councillor Michael Muir, Councillor Frank Radcliffe and Councillor Terry Tyler

(Substitutes: Councillors Councillor Clare Billing, Councillor Paul Clark, Councillor Nicola Harris, Councillor Ben Lewis, Councillor Sandra Lunn, Councillor Harry Spencer-Smith and Councillor Michael Weeks)

Parish Councillors Councillors Helena Gregory and Robert Logan (Co-opted non-voting Members)

Independent Persons Mr Nicholas Moss (Independent Person) and Mr Peter Chapman (Reserve Independent Person) – advisory roles

You are invited to attend a

MEETING OF THE STANDARDS COMMITTEE

to be held in the

**LOWER HALL, ICKNIELD CENTRE, ICKNIELD WAY,
LETCWORTH GARDEN CITY**

On

TUESDAY, 10TH OCTOBER, 2017 AT 7.30 PM

Yours sincerely,



David Miley
Democratic Services Manager

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES To take as read and approve as a true record the minutes of the meeting of the Standards Committee held on 21 February 2017.	(Pages 1 - 6)
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Committee at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether any item(s) raised will be considered.	
4. CHAIRMAN'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which requires they leave the room under Paragraph 7.4 of the Code of Conduct, can speak on the item, but must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION To receive petitions and presentations from members of the public.	
6. STANDARDS MATTERS REPORT OF THE MONITORING OFFICER To update the Committee on standards issues generally.	(Pages 7 - 28)
7. CODE OF CONDUCT AND REGISTRATION OF INTERESTS REVIEW REPORT OF THE DEPUTY MONITORING OFFICER To consider and review the proposed amendments to NHDC's Councillors' Code of Conduct and Register of Interests process and form.	(Pages 29 - 64)

NORTH HERTFORDSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE

MINUTES

Meeting held at Foundation House, Icknield Way, Letchworth Garden City
on Tuesday, 21 February 2017 at 7.30p.m.

PRESENT: District Councillors Mike Rice (Chairman), Alan Millard (Vice-Chairman), Judi Billing, Julian Cunningham, Jane Gray, Steve Hemingway, David Levett, Bernard Lovewell, M.R.M. Muir, Frank Radcliffe and Terry Tyler (from 7.45pm).
Parish Councillors Helena Gregory and Robert Logan (Co-opted non-voting Parish Council Representatives)
Mr Nicholas Moss (Independent Person) and Mr Peter Chapman (Reserve Independent Person) – non-voting advisory roles.

IN ATTENDANCE: Corporate Legal Manager (Monitoring Officer), Senior Lawyer (Deputy Monitoring Officer) and Committee and Member Services Officer.

ALSO PRESENT: James Ellis (Advisory & Litigation Lawyer), Nurainatta Katevu (Property and Planning Lawyer) and Kiren Kalirai (PA to the Monitoring Officer).

8. APOLOGIES FOR ABSENCE

No apologies for absence were received.

9. MINUTES

RESOLVED: That the Minutes of the meeting of the Committee held on 12 October 2016 be approved as a true record of the proceedings and signed by the Chairman, subject to the following amendments:

Minute 6: Standards Matters (Page 3) – sixth paragraph: replacement of the word “and” with “with” in the penultimate line; and seventh paragraph: deletion of the words “decided” in the second line.

10. NOTIFICATION OF OTHER BUSINESS

No other items were presented for consideration.

11. CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman reminded Member that, in line with Council Policy, the meeting was being recorded and requested that people announce their name prior to speaking;
- (2) The Chairman reminded Members that, in line with the Code of Conduct, any Declarations of Interest should be declared immediately prior to the item in question.

12. PUBLIC PARTICIPATION

There was no public participation.

13. STANDARDS MATTERS

The Monitoring Officer presented a report in respect of standards issues generally.

Complaints Update

There had been no complaints since the last Committee meeting. The Monitoring Officer, Deputy Monitoring Officer and Legal Team had, as usual, provided advice on interests and decision making to a number of Members.

Motion of Censure

Further to the Standards Committee meeting in October 2016, Members were aware that Full Council on 24 November 2016 had passed the Motion of Censure, pursuant to the findings of the Standards Sub-Committee. Nothing further had been heard from the former Member who had been censured.

Code of Conduct Review and Register of Interests

Members were reminded that the current Code of Conduct for Councillors was adopted by Full Council in July 2013. The Monitoring Officer and Deputy Monitoring Officer would be undertaking a review of the Code, to ensure it was working as intended, with a view to reporting to the next meeting of the Standards Committee. It was understood that Hertfordshire County Council and Stevenage Borough Council were currently reviewing their Codes of Conduct, which were adopted in 2012.

The Monitoring Officers within Hertfordshire had also discussed whether or not to introduce a common Register of Interests form and this was currently being explored. There were clear benefits for 'dual hatted' Members who would no longer have the situation of having to declare on the register different interests at different authorities, and the additional benefit of a consistent approach across the County. Hertfordshire County Council and NHDC currently had the same Register of Interests form, so if this proposal went ahead it was likely that some (or all) of the Declarable Interests within the NHDC Code of Conduct would be required to be registered. If this proposal came forward it would be as part of the Code of Conduct Review.

Protocol with Hertfordshire Police in relation to DPI offences

The Committee was informed that, for the last few years, there had been a Protocol in place between Hertfordshire Constabulary and the Hertfordshire Monitoring Officers for the referral of potential Disclosable Pecuniary Interest offences under the Localism Act. The Protocol sets out what would be referred and how the Police would handle the referral. The Protocol was currently being reviewed and there were likely to be some minor amendments to clarify when a police referral would be made. The agreed changes would be reported to the next Standards Committee meeting.

Member Training

The next item on the agenda of the Committee was some training on the Code of Conduct and governance issues, in order to refresh Members' minds of the key issues they should be aware of. It was proposed to provide training to all Members later in the year, and therefore the Committee would be asked to consider which elements of training should be emphasised in the wider session in due course.

Current Issues

In the Members' Information Service on 3 February 2017, the Monitoring Officer had re-issued the Guidelines for Members when using Social Media. These Guidelines were originally approved by Standards Committee in June 2013 and had now been re-issued on three occasions, in order to remind Members of the importance of using social media responsibly.

The Monitoring Officer advised that the Members' Information Service on 18 November 2016 had included a reminder of the reasons for "Part 2" confidential committee reports and the potential consequences of not maintaining that confidentiality.

RESOLVED: That the contents of the report be noted;

REASON FOR DECISION: To ensure good governance within the Council.

14. TRAINING ON STANDARDS ISSUES

With the aid of a Powerpoint presentation, the Deputy Monitoring Officer, assisted by the Monitoring Officer, facilitated a training session in respect of the NHDC Code of Conduct.

Each aspect of the Code was accompanied by some examples, which the Committee gave their opinions on throughout the meeting. It was noted that many of the examples referred to

matters which were the subject of actual adjudication decisions in Wales, which still had a national Standards Board regime, unlike in England, where the Standards Board had been abolished in 2012, following the Localism Act, and English Local Authorities had adopted Local Codes of Conduct.

The training session covered the following points:

When does the Code apply?

Paragraphs 1 and 2 of the Code stated that it applied when attending all meetings, including informal ones with officers and members if conducting Council business, and when they were acting or giving the impression that they were acting as a Councillor. For example, if a Member was a Director or Trustee on an external body and attended an informal meeting of the Council to discuss business relating to the external body, they had an interest in the matter and must act accordingly. The Member would also have legal and/or fiduciary duties to that body, and were also bound to act according to any Code adopted by or that applied to that body.

Paragraph 3.2 - Duties and Responsibilities

- (a) Equality – in simple terms, do not discriminate against people on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. Types of discrimination included direct / associative / by perception / indirect / harassment / victimisation. As there was an equality duty on the Council, potentially NHDC would be liable as well as the councillor should there be a breach of the Code.
- (b) Show respect and consideration to others – this related to respect for or from other Members; and respect for or from the public and NHDC employees.
- (c) Do not bully or harass – Bullying was offensive, intimidating, malicious, insulting or humiliating behaviour. It could be a one-off or a pattern directed at a weaker person or someone it was perceived the Member had influence over. Harassment was repeated behaviour which upset or annoyed people. It did not need to be face to face, as it could be through making continuous and/or unfounded allegations about people in public, in Council meetings, through the press, e-mails, blogs or other social media.
- (d) Do not compromise the impartiality of people who work for or on behalf of NHDC – Members should not pressure employees or contractors who work for NHDC to carry out their duties in a biased or partisan way. Councillors must not provide or offer any incentive or disincentive or reward to act in a particular way or to reach a particular decision. Of itself this may also be a criminal offence, such as under the Bribery Act 2010m, which could open the Council to legal challenge. It did not mean that a councillor could not question an employee with directness, and in a civil manner, to understand reasons. Policies of the Majority Group should be taken through the democratic process by relevant officers. However, if these were regulatory or Administrative Committee decisions, like Licensing or Planning, employees were expected to reach their own professional conclusions and express these in reports and at meetings.

Paragraph 3.3 – Information

- (a) Do not disclose confidential information – in broadest terms, such information covered all forms (written, oral, e-mails, videos etc.). It was confidential if its nature was sensitive or personal; it was stated or implied as confidential; if disclosure would be detrimental to the person/body who wished it to be kept confidential (for example, a commercial/trade secret); and if the Council had voted that it be kept exempt (Local Government Act 1972 Schedule 12A reason) or if the document had been marked confidential or sent with an e-mail marked as such. However, there may be justified reasons to disclose information if the person authorised to give consent allowed it; it was required by law to do so; the purpose was to obtain professional advice; or if the disclosure was reasonable, in the public interest and made in good faith, and that disclosure would not be in contravention of NHDC's reasonable requirements.
- (b) Do not prevent access to information a person is entitled to by law – As a general rule Members should assume that documents (including e-mails) produced as part of their

role may at some time be Disclosable. This included information, for example, that a member of the public had a right to access under the Data protection Act 1998 or the Freedom of Information Act 2000/Environmental Information Regulations 2004. In considering such requests, the relevant officer would take into account if any exemption or exception to disclosure applied, but would be bound to follow the legal requirements. It was noted that destroying requested information outside of a public authority's normal policies was unlawful and may be a criminal offence if done to prevent disclosure.

Paragraph 3.4 – Conduct

- (a) Do not bring your office or the authority into disrepute – Members' actions were subject to greater scrutiny in their public and private life, and their behaviour might have an adverse impact on their office or NHDC. There was also an inter-relationship between this obligation in the Code and others (eg. if a Member discriminate against someone, then they may also be seen to have brought him/herself or the authority into disrepute). Equally, the manner in which a member conducted him/herself in public or on social media could have an impact on public perception (eg. unnecessary or personalised attacks on NHDC employees could be seen as bullying and bringing the Member into disrepute).
- (b) Do not make vexatious, malicious or frivolous complaints – these could be complaints motivated by malice (a desire to do harm) or by political rivalry, and may be designed to disadvantage another Member or staff. It may be where evidence of misconduct/administrative failings is weak or non-existent. Repeated complaints regarding another Member or staff (on a particular issue or multiple issues) and/or pre-arranging in public of the complaints is likely to be a breach of the Code. Complaints against staff and other councillors should be dealt with under normal channels.
- (c) Comply with any request of the authority's Monitoring Officer or Section 151 Officer, in connection with a statutory investigation (including alleged Code breaches) – in simple terms, Members should reply to all correspondence (including electronic) and telephone calls. A councillor should make him/herself available for interview if required and make available copies of any requested documents. The requirement to co-operate with an investigation applied whether the member was a witness or the subject of the investigation. Allowances would be made for verifiable urgent pressures/arrangements previously made (eg. holidays), although priority must be given to the investigation to prevent delay for all concerned.

Paragraph 3.5 – Use of your Position

- (a) Do not use or attempt to use your position improperly for your or any other person's advantage or disadvantage – a councillor must not use his official position for personal benefit or to harm others. It also linked to anti-bribery requirements. There was still an ability for a Member to speak as a Member Advocate in order to represent concerns, although there may be Code of Conduct restrictions if a Disclosable Pecuniary Interest or Declarable Interest applied.
- (b) Use of the Council's resources – such resources included any NHDC provided or financed computers, IT facilities, transport, printers, stationery, parking or support from NHDC employees (or contractors undertaking Council services), Council offices and facilities. Resources must be used for councillor business or business authorised by the Council. Particular issues related to publicity and use of resources around Election times.

Paragraph 3.6 – Decision Making

- (a) and (b) Make a decision on the basis of merit, in the public interest, give reasons having regard to statutory officers' advice – this meant considering all the arguments. Councillors should follow statutory officers' advice unless there was a strong reason for not doing so. It went beyond simply considering and rejecting advice if unwelcome. A councillor must be in a position to fully articulate why they had not followed the advice and to record the reason for not doing so. Giving reasons was a requirement for regulatory and administrative decisions (eg. Planning and Licensing) and led to fair/reasonable decisions for the Council, as well as protecting councillors against complaints.

Paragraph 3.7 – Compliance with the Law and the Authority’s Rules and Policies

- (a) Observe the law and rules on claiming of expenses and allowances – if unsure, advice should be sought from Committee and Members Services. Members should keep proper records of expenses.
- (b) Comply with the NHDC Members Protocol for Gifts and Hospitality – declare any gift or hospitality related to the Member’s role as a councillor of at least £50 to the Monitoring Officer, using the relevant declaration form and where appropriate declare at a meeting as a Declarable Interest. The Bribery Act 2010 underpinned this so that the Member was not seen as being placed under an improper obligation (ie. not accepting something that made a Member beholden to the donor.
- (c) Comply with other NHDC policies setting out required conduct from Members – Members should make themselves familiar with NHDC Policies and ensure that these were followed.

Paragraphs 4.1 to 4.5 – Disclosable Pecuniary Interests

These were interests defined under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. A Member had a Disclosable Pecuniary Interest (DPI) if it was his/her or their spouse or civil partners’ interest covered:

- Employment, office, trade profession or vocation – carried out for profit;
- Other payment or financial benefit – other than from NHDC, given/paid in the last 12 months; for any expenses incurred for being a Member, or towards election expenses, including payments from a Trade Union;
- Ongoing contract(s) – with NHDC for goods and services;
- Land or interest in land – in the NHDC area;
- Licence or interest in a licence – alone or jointly with others for a month or more, to occupy land in the NHDC area;
- Corporate tenancy or interest in a corporate tenancy – and the Member knows that NHDC is the landlord; and
- Beneficial interest in securities – place of business/land in the NHDC area; more than £25,000 or 1/100th share capital or 1/100th of total issued share capital of a class of shares.

A Member must notify the Monitoring Officer of any DPI within 28 days of taking office, and of any changes DPIs. Any interests would be included on a publicly available register on NHDC’s website (except if “sensitive information”). If a Member has a DPI which was the subject of Council business it would affect that member’s ability to participate in that business and attend meetings to discuss it and make decisions (as per Paragraphs 6.1 and 7 of the Code of Conduct). Even if it was not a DPI that did not automatically mean that a Member could participate, as it may be a Declarable Interest which was also subject to restrictions on Members’ participation. Failure to declare a Declarable Interest may create a risk of an accusation of predetermination/bias, which may be difficult to refute. It was always a Member’s responsibility to seek and consider advice on interests and to comply with such advice.

Paragraph 4.6 – Declarable Interests

Members should declare Declarable Interests if the decision:

- (a) might affect their wellbeing/financial (and that of other named parties) more than the majority of the Council Tax payers, ratepayers or inhabitants of the Member’s ward or NHDC’s administrative area; or
- (b) might affect the interests listed in Appendix A to the Code for the Member’s family, their employer, a person of body that they had a close association with; or
- (c) is so significant that it was likely to prejudice the Member’s judgement of the public interest; or
- (d) related to someone/body who had provided a gift or hospitality of at least £50 to the Member within the last 6 years of the date of the decision; or
- (e) it related/affected any body of the which the councillor was a member of or in a position of general control or management to which they were appointed/nominated to by NHDC; or

it exercised functions of a public nature; or charitable purposes; or its principal purpose included influence on public opinion or policy (including any political party or trade union).

If any of the above applied, then the Member's participation in the meeting might be affected, as per paragraphs 7.3 to 7.5 of the Code of Conduct.

Paragraphs 6, 7 and 8 – Declaring/Participating and Dispensations

In summary, if a Member had a DPI they must declare it at meetings, must not participate in the debate and vote on the item, and must leave the meeting. This was always subject to any application/and approval of a dispensation under Paragraph 8 of the Code of Conduct by the Monitoring Officer.

If a Member had a Declarable Interest, again it must be declared at meetings and, if it was so significant that it was likely to prejudice their judgement of the public interest, they must not participate in the debate or vote on the item. However, they were entitled to speak to the meeting as member of the public, following which they should leave the meeting.

RESOLVED: That the training on Standards Issues be noted, and that any points to be emphasised in the wider Member training on standards/governance issues be conveyed to the Monitoring Officer/Deputy Monitoring Officer by Members of the Committee, Parish Council representatives and independent Persons.

REASON FOR DECISION: To ensure good governance within the Council.

The meeting closed at 9.40pm.

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Chairman

STANDARDS COMMITTEE 10 OCTOBER 2017

PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 6
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TITLE OF REPORT: STANDARDS MATTERS

REPORT OF THE MONITORING OFFICER
COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

- 1.1 The report updates Members of the Committee on standards issues generally, including an ongoing DCLG consultation on proposals to update the criteria that bar individuals from becoming or being a local councillor or directly-elected mayor.

2. RECOMMENDATIONS

- 2.1 That Members note the content of the report.
- 2.2 That the Committee consider whether the Monitoring Officer should respond to the DCLG consultation on behalf of the Council and, if so, the approach to take.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure good governance within the Council.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 No consultation has been undertaken.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 Within its terms of reference the Standards Committee has a function of “to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority”. The Committee will therefore receive update reports from the Monitoring Officer on matters that relate to, or assist to govern, Member conduct.

8. RELEVANT CONSIDERATIONS

Complaints Update

8.1 The following complaints were considered since the last Committee meeting:-

- A complaint about a District Councillor was discontinued after the complainant ceased to co-operate with the process.
- A complaint about three Parish Councillors regarding comments made at a meeting and subsequent to that meeting was not pursued, after it was concluded that in accordance with the adopted Assessment Criteria the matters complained of were minor and trivial in nature.
- A complainant sought to complain about a Parish Council, but was advised that the Monitoring Officer only has the remit to deal with complaints about conduct of Parish Councillors, but not to deal with complaints about Parish Councils. The complainant was advised who else they could contact.

Member training

8.2 On 24 May 2017 training was offered to all Members on standards, finance and governance generally. Unfortunately the date proved to be difficult for some Members due to diary clashes and only seven Members attended. Those who attended engaged with the sessions and the training was generally well received. We will be looking to re-run the session at a convenient point in the civic calendar.

DCLG Consultation

8.3 DCLG is currently consulting on proposals to update the criteria that bar individuals from becoming or being a local councillor or directly-elected mayor. Currently, individuals cannot stand for, or hold, office as a local authority member if they have, within the previous five years or since their election, been convicted of an offence that carries a prison sentence of at least three months without a fine and whether suspended or not. The consultation paper is attached at Appendix A for ease of reference.

8.4 The Government is proposing to amend the disqualification criteria so that anyone convicted of a serious crime, regardless of whether it comes with a custodial sentence, will not be able to serve as a councillor. Individuals will be banned from standing for office if they are subject to:

- the notification requirements set out in the Sexual Offences Act 2003 (being on the sex offenders register);
- a civil injunction granted under s.1 of the Anti-social Behaviour, Crime and Policing Act 2014 (the 2014 Act); or
- a Criminal Behaviour Order made under s.22 of the 2014 Act.

The new rules would apply to councillors and mayors in parish, district, county and unitary councils, London boroughs, combined authorities and the Greater London Assembly. The proposed changes would not be retrospective. The closing date for comments on the disqualification criteria is 8 December 2017.

- 8.5 The consultation follows previous examples where the current rules have proved to be ineffective, the highest profile being a Saddleworth Parish Councillor who was convicted of child pornography offences but who was not disqualified from holding office as his sentence did not meet the three month threshold (he received a community penalty). The Parish Councillor refused to resign and the Council had no mechanism to remove him from office.
- 8.6 Separately at the beginning of September 2017 it was reported that Thurrock Council had written to the Communities Secretary to request legislation for a new 'Right to Recall' councillors in the event of significant conduct or ethical breach, similar to that put in place for Members of Parliament by the Recall of MPs Act 2015. The proposals are that should a councillor fall foul of an agreed set of criteria – like not attending meetings, conviction of a crime or breaching the members code of conduct – voters would have the choice to recall their representative and go to the ballot box to choose another candidate.
- 8.7 Members will be aware that the Standards Committee has often discussed that the Localism Act 2011 changes to the standards regime which abolished the Standards Board for England, removed most of the meaningful sanctions which could previously have been imposed following findings of poor Councillor conduct. Local authorities are no longer able to suspend or disqualify councillors who bully, are rude, disclose confidential information or bring their own authorities and local government generally into disrepute. Provided they do not commit a serious criminal offence, members can remain in office until the electorate have a chance to remove them at the next election. The consultation does not touch on these issues and has been criticised as being a missed opportunity.
- 8.8 The Standards Committee is asked to consider whether the Council should respond to the DCLG consultation and, if so, specifically the following points:-
- Should the proposed additions to the disqualification criteria be supported?
 - How should the Council respond to the six consultation questions, as set out in Appendix A?
 - Should proposals for a right of recall, such as those proposed by Thurrock Council, be supported? If so, what limitations should be placed around this?
 - Should the Council support the return of more meaningful sanctions, such as the ability to suspend or disqualify Councillors? If so, what limitations should be placed around this?
 - Are there any other points that the Committee feel should be reflected in a response to the consultation?

Committee on Standards in Public Life (CSPL)

- 8.9 In its Annual Report and Forward Plan 2017/18, published in mid-July 2017, the CSPL said it “maintains a longstanding interest in local government standards, and regularly receives correspondence from members of the public expressing their concern about this issue”. The CSPL added that it was actively conducting research and engaging with partners on this subject throughout 2016-17 and in its Forward Plan confirmed it will undertake a review of local government standards during 2017/18. The review will be based around a consultation to be launched in early 2018, with the findings and recommendations to be published later in 2018.

Protocol with Hertfordshire Police in relation to DPI offences

- 8.10 Further to the update in the report to the February meeting of this Committee the review of the Protocol has not yet completed, but is hoped to conclude shortly. The agreed changes will be reported to the next Standards Committee.

9. LEGAL IMPLICATIONS

- 9.1 The terms of reference of the Standards Committee include at paragraph 7.5.1 of the Constitution “to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority”.

- 9.2 There are no specific legal implications arising from the content of this report.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no capital or revenue implications arising from the content of this report.

11. RISK IMPLICATIONS

- 11.1 Appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. There are no direct equalities implications from this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 None. The work outlined within the report is within the caseload of the Monitoring Officer and the legal team.

15. APPENDICES

- 15.1 Appendix A – DCLG Consultation Paper: Consultation on updating disqualification criteria for local authority members.

16. CONTACT OFFICERS

- 16.1 Anthony Roche, Corporate Legal Manager and Monitoring Officer
anthony.roche@north-herts.gov.uk; ext 4588

17. BACKGROUND PAPERS

- 17.1 None.



Department for
Communities and
Local Government

Disqualification criteria for Councillors and Mayors

Consultation on updating disqualification criteria for local authority members



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Scope of the consultation

A consultation paper issued by the Department for Communities and Local Government on behalf of the Secretary of State

Topic of this consultation:	This consultation paper sets out the government's proposals for updating the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly.
Scope of this consultation:	<p>The Department for Communities and Local Government is consulting on proposals to update the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly, if they are subject to:</p> <ul style="list-style-type: none">• the notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as 'being on the sex offenders register');• a civil injunction granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014; or• a Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014. <p>Any changes to the disqualification criteria would require changes to primary legislation, in particular the Local Government Act 1972, the Local Democracy, Economic Development and Construction Act 2009, and the Greater London Authority Act 1999.</p> <p>The proposed changes would not act retrospectively.</p>
Geographical scope:	The proposals in this consultation paper apply to certain authorities in England, including local authorities, combined authorities and the Greater London Authority. They do <u>not</u> apply to authorities in Wales, Scotland or Northern Ireland.
Impact Assessment:	No impact assessment has been produced for this consultation.

Basic Information

To:	This consultation is open to everyone. We particularly seek the views of individual members of the public, prospective and current councillors and those bodies that represent the interests of local authorities and councillors at all levels.
Body responsible for the consultation:	The Local Government Stewardship Division in the Department for Communities and Local Government is responsible for conducting the consultation.
Duration:	The consultation will begin on Monday 18 September 2017. The consultation will run for 12 weeks and will close on Friday 8 December 2017. All responses should be received by no later than 5pm on Friday 8 December 2017.
Enquiries:	<p>If you have any enquiries, please contact:</p> <p>Stuart Young email: stuart.young@communities.gsi.gov.uk</p> <p>DCLG Tel: 0303 44 40000</p> <p>How to respond:</p> <p>Please respond by email to: Section80consultation@communities.gsi.gov.uk</p> <p>Alternatively, please send postal responses to:</p> <p>Stuart Young Department for Communities and Local Government 2nd Floor, NE, Fry Building 2 Marsham Street London SW1P 4DF</p> <p>Responses should be received by 5pm on Friday 8 December 2017.</p>
How to respond:	<p>You can respond by email or by post.</p> <p>When responding, please make it clear which questions you are responding to.</p> <p>When you reply it would be very useful if you could confirm whether you are replying as an individual or submitting an</p>

	<p>official response on behalf of an organisation, and include:</p> <ul style="list-style-type: none">- your name- your position (if applicable)- the name and address of your organisation (if applicable)- an address, and- an email address (if you have one)
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Introduction

1. Local authority members (i.e. councillors), mayors of combined authorities, members of the Greater London Assembly and the London Mayor take strategic decisions that affect all our lives. They decide how best to use taxpayers' money and manage local authority resources, including property, land and assets. They also have a leading role to play in building and preserving a society where the rights and freedoms of individuals are respected. They should be community champions. It is vital, therefore, that they have the trust of the electorate.
2. The Government considers that there should be consequences where councillors, mayors and London Assembly members fall short of the behaviour expected of anyone in a free, inclusive and tolerant society that respects individuals and society generally, and where this has led to enforcement action against an individual.
3. Existing legislation prevents individuals standing, or holding office, as a local authority member, London Assembly member or directly-elected mayor if they have, within five years of the day of the election, or since their election, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment, suspended or not, for a period of not less than three months without the option of a fine.
4. The Government considers that the law should be updated to reflect new options which exist to protect the public and address unlawful and unacceptable behaviour.
5. This consultation proposes updating the disqualification criteria in section 80 of the Local Government Act 1972, paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, and section 21 of the Greater London Authority Act 1999 to prohibit those subject to the notification requirements (commonly referred to as 'being on the sex offenders register') and those subject to certain anti-social behaviour sanctions from being local authority members, London Assembly members or directly-elected mayors.
6. This consultation does not propose changing the disqualification criteria for Police and Crime Commissioners (PCCs). For the purposes of this consultation, 'local authority member' also extends to directly-elected mayors and co-opted members of authorities, and 'local authority' means:
 - a county council
 - a district council
 - a London Borough council
 - a parish council

The disqualification criteria in section 80 of the Local Government Act 1972, paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, and section 21 of the Greater London Authority Act 1999 do not cover the Council of the Isles of Scilly or the Common Council of the City of

London. Therefore, the proposals in this consultation do not extend to these councils.

The Current Disqualification Criteria

7. Under section 80 of the Local Government Act 1972, a person is disqualified from standing as a candidate or being a member of a local authority, if they:
 - are employed by the local authority;
 - are employed by a company which is under the control of the local authority;
 - are subject to bankruptcy orders;
 - have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine;
 - are disqualified under Part III of the Representation of the People Act 1983;
 - are employed under the direction of various local authority committees, boards or the Greater London Authority; or
 - are a teacher in a school maintained by the local authority.

8. Paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 sets out the criteria on disqualification from standing as, or being, a directly-elected mayor of a combined authority. A person is disqualified from being elected or holding office as the mayor of a combined authority if they:
 - hold any paid office or employment (other than the office of mayor or deputy mayor), including any appointments or elections made by or on behalf of the combined authority or any of the constituent councils of the combined authority;
 - are subject to bankruptcy orders;
 - have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine; or
 - is disqualified for being elected or for being a member of a constituent council under Part 3 of the Representation of the People Act 1983.

9. Section 21 of the Greater London Authority Act 1999 disqualifies someone from being the Mayor or an Assembly member if they:
 - are a member of staff of the Authority;
 - hold an office that disqualifies the holder from being Mayor or an Assembly member;
 - are subject to bankruptcy orders are bankrupt or have made a composition agreement with creditors;
 - have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine;
 - are disqualified under section 85A or Part III of the Representation of the People Act 1983 from being the Mayor or an Assembly member; or

- are a paid officer of a London borough council who is employed under the direction of:
 - a council committee or sub-committee whose membership includes the Mayor or someone appointed on the nomination of the Authority;
 - a joint committee whose membership includes a member appointed on the nomination of the council and a member appointed on the nomination of the Authority;
 - the council executive, or one of its committees, whose membership includes the Mayor or someone appointed on the nomination of the Authority;
 - a member of the council's executive who is the Mayor or someone appointed on the nomination of the Authority.

Sexual Offences

10. The Government considers that anyone who is subject to sex offender notification requirements, commonly referred to as 'being on the sex offenders register', should be barred from standing for election, or holding office, as a local authority member, directly-elected mayor or member of the London Assembly. The period of time for which they would be barred would end once they were no longer subject to these notification requirements.

11. An individual can become subject to notification requirements by committing certain criminal acts or being issued with certain types of civil order:

- Being subject to sex offender notification requirements is an automatic consequence of being cautioned or convicted of a sexual offence listed in Schedule 3 of the Sexual Offences Act 2003 (see: <http://www.legislation.gov.uk/ukpga/2003/42/schedule/3>).
- Sexual Harm Prevention Orders are civil orders intended to protect the public from offenders convicted of a sexual or violent offence who pose a risk of sexual harm to the public by placing restrictions on their behaviour. Offenders who are subject to Sexual Harm Prevention Orders become subject to notification requirements.
- Notification Orders are civil orders intended to protect the public in the UK from the risks posed by sex offenders who have been convicted, cautioned, warned or reprimanded for sexual offences committed overseas. Such offenders may be British or foreign nationals convicted, cautioned etc. abroad of a relevant offence. Offenders who are subject to Notification Orders become subject to notification requirements.

12. The duration of the notification requirement period (i.e. how long a person is on the sex offenders register) is set out in the Sexual Offences Act 2003 and in the table below. The courts have no discretion over this.

Where the (adult) offender is:	The notification period is:
Sentenced to imprisonment for life or to a term of 30 months or more	An indefinite period
Detained in a hospital subject to a restriction order	An indefinite period
Sentenced to imprisonment for more than 6 months but less than 30 months imprisonment	10 years
Sentenced to imprisonment for 6 months or less	7 years
Detained in a hospital without being subject to a restriction order	7 years
Cautioned	2 years

Conditional discharge	The period of the conditional discharge
Any other description (i.e. community sentence, fine)	5 years

These periods are halved for offenders who are under 18 on the date of the caution, conviction or finding, as defined within the 2003 Act.

13. Offenders who are subject to the notification requirements must notify the police of (amongst other things) their: name, date of birth, national insurance number, home address, passport number, bank account and credit card details. They must do this annually, any time the details change or when they travel abroad. They must also notify the police when they stay or reside with a child for more than 12 hours.
14. Further information on the Sexual Offences Act 2003 can be found at: <https://www.gov.uk/government/publications/guidance-on-part-2-of-the-sexual-offences-act-2003>.
15. The Government does not propose including another type of civil order, the Sexual Risk Order, as this person would not have been convicted or cautioned of a sexual offence under the Sexual Offences Act 2003 and are not subject to notification requirements for registered sex offenders. A Sexual Risk Order does require the individual to notify to the police their name and their home address. A Sexual Risk Order can be sought by the police against an individual who has not been convicted, cautioned etc. of an offence under Schedule 3 or Schedule 5 of the 2003 Act but who is nevertheless thought to pose a risk of harm to the public in the UK and/or children or vulnerable adults abroad.

Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. who is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Anti-Social Behaviour

16. Anti-social behaviour blights people's lives and can leave victims feeling powerless. These are a range of powers to the courts, police and local authorities to tackle the problems in the table below.

17. The Government considers that an individual who is subject to an anti-social behaviour sanction that has been issued by the court, i.e. a Civil Injunction or a Criminal Behaviour Order, should be barred from standing for election, or holding office, as a local authority member, directly-elected mayor or member of the London Assembly. The period of time for which they would be barred would end once they were no longer subject to the injunction or Order.

Anti-Social Behaviour (ASB) Powers

Type	Power	Description
Issued by the court to deal with individuals	Civil Injunction	A civil order with a civil burden of proof. The injunction can include both prohibitions and positive requirements to tackle the underlying causes of the behaviour. Applications can be made by police, councils, social landlords, Transport for London, Environment Agency, Natural Resources Wales and NHS Protect.
	Criminal Behaviour Order	A court order available on conviction. The order can be issued by any criminal court against a person who has been convicted of an offence. It is aimed at tackling the most persistently anti-social individuals who are also engaged in criminal activity. The order can include both prohibitions and positive requirements. Applications are made by the prosecution, in most cases by the Crown Prosecution Service, either at its own initiative or following a request from the police or council.
Used by the police to move problem groups or individuals on	Dispersal Power	A flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to a local community. It allows the police to deal instantly with someone's behaviour and prevent it escalating. The use of the power must be authorised by an officer of at least inspector rank, to be used in a specific locality for up to 48 hours or on a case by case basis. This is to ensure that the power is used fairly and proportionately and only in circumstances in which it is necessary.

Issued by councils, the police and social landlords to deal with problem places	Community Protection Notice	A notice designed to deal with particular problems which negatively affect the community's quality of life. The Notice can be issued to anyone aged 16 or over, businesses or organisations. This is a two-stage power and a written warning has to be issued first. Failure to stop the behaviour or take action to rectify the problem would lead to the notice being issued. The power can be used by councils, police and social landlords (if designated by the council).
	Public Spaces Protection Order	Designed to deal with anti-social behaviour in a public place and apply restrictions to how that public space can be used to stop or prevent anti-social behaviour. The order is issued by the council. Before the order can be made, the council must consult with the police and whatever community representatives they think appropriate, including regular users of the public space. Before the order is made the council must also publish the draft order.
	Closure Power	A fast and flexible two-stage power. Can be used to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder, including residential, business and licensed premises. The police and councils are able to issue Closure Notices for up to 48 hours and the courts are able to issue Closure Orders for up to six months if satisfied that the legal tests have been met. Following the issue of a Closure Notice, an application must be made to the magistrates' court for a closure order.

Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Retrospection

18. Legislation does not generally apply retrospectively, the principle being that the law should operate in a clear and certain manner and the public is entitled to know the state of the law at a particular time.
19. The proposals in this consultation would not apply retrospectively, i.e. any incumbent local authority member, directly-elected mayor or member of the London Assembly, who is on the sex offenders register or subject to a Civil Injunction or Criminal Behaviour Order at the time the changes come into force would not be affected.
20. Such individuals would of course be prevented from standing for re-election after the changes came into force.

Questions

Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?

Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?

Q6. Do you have any further views about the proposals set out in this consultation paper?

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.
Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

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STANDARDS COMMITTEE
10 OCTOBER 2017

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 7
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TITLE OF REPORT: CODE OF CONDUCT & REGISTRATION OF INTERESTS REVIEW

REPORT OF THE DEPUTY MONITORING OFFICER
 EXECUTIVE MEMBER: [NON-EXECUTIVE FUNCTION]
 COUNCIL OBJECTIVE: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

1.1. For the Standards Committee to review the proposed amendments to NHDC's Councillors' Code of Conduct ('the Code') and Register of Interests process and form.

2. RECOMMENDATIONS

That the Committee recommends to Full Council that:

- 2.1. the amendments to the Code (shown as tracked changes to Appendix B), or such amendments as recommended by the Committee, be approved with effect from 4 May 2018.
- 2.2. the Monitoring Officer be authorised to make any consequential amendments to the Constitution to incorporate the new Councillor Speaking Right;
- 2.3. the amended Councillor's Register of Interests form (Appendix C) be adopted and to be completed by Councillors from 4 May 2018;

That subject to Full Council's approval detailed in 2.1, the Standards Committee:

- 2.4. authorises the Monitoring Officer to update the NHDC Code of Conduct Guide to reflect any adopted changes to the Code; and
- 2.5. notes the requirement to advertise the adoption of any amended Councillor Code of Conduct.

3. REASONS FOR RECOMMENDATIONS

3.1. The current Code was adopted in July 2013 and it is good practice to periodically review such policies to ensure they are working as intended. The review is part of scheduled service planning and the Annual Governance Statement ('AGS') Action Plan for 2017/18. This will ensure that the Code / practices are kept up to date and effective governance is promoted.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 The Code and declarations/ Register of Interests process could remain the same.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Independent and Reserve Independent Person (IPs) have been involved in the review process.
- 5.2. Draft amended versions of the Code and Register of Interests form were forwarded to Group Leaders, the IPs and relevant Officers on 8 August 2017 for comment. Relevant amendments have been made following this consultation to the appended documents.
- 5.3. Members were informed of the review in the Annual Report of the Standards Committee, which was reported to Council on 18 May 2017.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 The Localism Act 2011 ('2011 Act') abolished the obligatory standards regime and mandatory Code of Conduct in England, when the relevant parts of the Act came into force in July 2012. Since 2012 local authorities have been required to: "*promote and maintain high standards of conduct by member and co-opted members of the authority*" and to adopt a code dealing with the conduct that is expected of Councillors and co-opted Councillors, when acting in that capacity¹. The Code has to be consistent with the seven Nolan Principles of Public Life and cover registration and disclosure of pecuniary and other interests². The 2011 Act introduced criminal offences of failing to declare or register a pecuniary interest ('DPI') with those interests being set out in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 ('Regulations 2012').
- 7.2 Since 2012, the Committee on Standards in Public Life ('CSPL') has kept a watching brief on the local government standards regime, including the need for a mandatory code of conduct in England and effective sanctions. In its annual report for 2015-16³ / forward plan the Committee stated that it would review ethical standards and that this would straddle the work programmes for 2016-17-18.
- 7.3 The Department of Communities and Local Government previously intimated that it would review the 2011 Act standards arrangements after they had been in operation for 5 years (due in 2017). *It would appear* that this has been limited to a consultation on strengthening the disqualification criteria for elected councillors (see Standards Matters report update). Whether any further recommendations will result from this review/ or following the CSPL's review (such as a recommendation on a mandatory code in England), is yet to be seen.
- 7.4 At this stage, however, the legislative position has not changed. The Code was last reviewed in 2013 and as outlined in the Standards Matters report of 21 February 2017 would be reviewed, together with the approach towards registration of interests. The authority is also required to review its governance arrangements annually, as part of the AGS⁴ audit practice. Where appropriate these arrangements should be updated.

¹ Section 27(1) & (2).

² Section 28(1) & (2)

³ Published on 4 August 2016 with forward plan for 2016-17; & again on 10 July 2017 CSPL page: [https://www.gov.uk/government/organisations/the-committee-on-](https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life)

[standards-in-public-life](#)

[Corporate Governance page \[CLICK HERE\]](#)

Councillors' conduct/ codes/ mechanisms for dealing with complaints have to be considered as part of the AGS process and the Code and declarations/ Register of interests was identified in the AGS Actions Plan for review during 2017/18.

8. RELEVANT CONSIDERATIONS

The Code proposed amendments:

- 8.1. The Code in Appendix B shows a large degree of tracked changes; *however*, some of these are cosmetic (for uniformity) and movement of one area of the Code to another. The main proposed changes are set out in the table below:

Paragraph	Proposed change summary	Reason
1 Introduction	What the Code is, who it applies to, and what underpins the Code.	To make it clearer.
2 When does the Code of Conduct Apply (c) & (e)	(c) Inclusion of working groups, parties and panels in 'meetings' definition; and (e) clarification on criminal offences (where these have been dealt with in an "out of court disposal" way).	To cover potential gaps in meeting/ offence situations. The 'out of court disposal' term comes from the Crown Prosecution Service and covers, for example, simple/ conditional cautions and other similar criminal offence discharges, which are described in the footnote. Increasingly these will be offered and the Council should be in a position to consider situations where this arises.
3 Rules of Conduct 3.1	Moved 3.1 the full Nolan principles to Appendix B, with an explanation at 1.2 as to how these will be applied.	Whilst the Nolan principles should "underpin" the Code and its interpretation, they are not a potential breach in themselves and inclusion in this part has caused confusion to complainants, who have cited these as a potential breach. Adding an explanation at 1.2 and the Appendix will aid understanding.
3.1	3.1 NEW general obligation to comply with the Code.	To clarify to both Members and the public that all sections of the Code must be complied with (not just the rules on behaviour) and that failure to do so could be a breach of the Code.
3.2 (a)	Amended to include updated Equality Act 2010 requirements relating to protected characteristics.	To ensure the Code is kept up to date with current equality provisions.
3.2 (b)	NEW obligation not to do anything that causes the authority to breach the public sector equality duty.	Based on some proposed amendments to other British (mandatory) codes.
3.6 (b)	NEW obligation to act reasonably (Wednesbury reasonableness), not to prejudge/ act in a bias manner.	To promote effective decision making.
3.7 (a)	NEW "public duty" requirement to comply with the criminal law.	Based on some proposed amendments to other British (mandatory) codes. Also includes a notification requirement to the MO.
3.7 (e)	NEW – obligation to attend compulsory training provided by the authority or directed to attend following a standards complaint. Compulsory is defined in footnotes to this provision: "Compulsory" if this is designated as such by:	This is to try to address the issue we have with take up of training, and Councillors indicating that it would benefit them to know what was compulsory and which was not. NB computer tablets have been offered to Councillors and a new e-learning system is being implemented at this

	<ul style="list-style-type: none"> - a Statutory Officer (Head of Paid Service, Chief Finance Officer/s151 or Monitoring Officer) with the agreement of Group Leaders; or - Full Council, Cabinet or Committee. <p><i>“Directed” to do so:</i></p> <ul style="list-style-type: none"> - following a standards complaint and the MO decides that a Councillor should attend training as part of the informal resolution; or - Standards Sub-Committee following the determination of a complaint. 	<p>stage. It will mean that training is more accessible to Councillors when this obligation is due to apply from 4 May 2018 onwards.</p> <p>It is also to address potential situations where training has been directed and is not complied with.</p>
PART 2 COUNCILLORS’ INTERESTS	NEW introduction part confirming there are specific obligations in relation to registration, declaration and participation in meetings. There are a number of changes to how this is set out as opposed to substance.	Again for clarification.
4.1 – 4.5 DPI wording	Redrafted.	To make this more specific and reflect the 2011 Act/ Regulations 2012 wording.
4.6 (c) 4.6 (d) – becomes (c) & old (e) becomes (d)	Old (c) deleted: <i>“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;”</i>	Effectively duplicated by the previous 7.3, which has merged under the new wording for paragraph 6. Also supplemented by the new 3.6 (b) provision.
4.7	NEW obligation to register certain Declarable Interests (4.6 (c) & (d) on the same Register of Interests form that is used for DPIs.	To keep as much of a Councillor’s interests information in one document. Aids transparency and simplifies administrative process. It will also be consistent with the revised approach to be or already adopted by a number of local authorities in the region.
5 Sensitive Information	Re-worded as SENSITIVE ‘INTERESTS’ and further directions on what a Councillor needs to do in terms of declaring participation and voting/ register of interests.	To clarify the requirements in those situations.
6 Declaring interests and 7 Participation at meetings	6 & 7 Merged to a reworded paragraph 6 ‘DECLARING INTERESTS, PARTICIPATING AND VOTING AT MEETINGS’ 6.2 (b) There is also a proposed NEW Councillor “Speaking Right” in substitution for speaking as a member of the public.	To make this more straightforward. A Councillor speaking as a member of the public has been problematic in terms of perception and timing. Note the new Speaking Right cannot be claimed in informal meetings and does not apply to DPIs.
7 Dispensations	Previously old paragraph 8. There has been some re-wording, splitting into two sub-sections and coverage for Declarable Interests. The grounds for such a dispensation have been put into a NEW Appendix C.	Inclusion of grounds for a dispensation will assist understanding and potential applications to the Monitoring Officer.

8.2. There are also some general tracking and formatting changes, including uniform reference to ‘Councillor’ (as opposed to some Member or Councillor) and the authority (previous references were between the Council or authority). Some similar wording

has also been used for consistency of reference (eg 3.4 & 3.6 reference to Statutory Officers).

- 8.3. Councillors will note that the changes proposed under the revised/ merged paragraphs 6 & 7 include a Councillor 'Speaking Right'; this is to address the perception and timing issues of a Councillor being an elected Councillor on the one hand and then becoming/ or apparently becoming a member of the public the next to speak to an item if/ when the Councillor has a Declarable Interest. This right would only apply to Declarable Interests, not to DPIs and could not be exercised in informal meetings, where transparency/ bias are key considerations. If Full Council approves this amendment, the Monitoring Officer will need to review/ make minor amendments to the Constitution to ensure this Speaking Right is reflected⁵. Councillors will be notified via MIS and this reported to any subsequent Council meeting. Any change in process will also have to be made evident on meeting agendas.
- 8.4. The amended clean version (with tracked changes accepted) is appended at A and the Code showing tracked changes is appended at B (font format amendments have not been shown as tracked changes, eg lower case to capital etc.).

Councillor's declaration form & Registration process:

- 8.5. As indicated above, the authority must have a code that includes provisions for registration and declaration of DPIs and other interests, and DPIs must be entered on the Register of Interests. The authority has, up until now, used a notification/ declaration form for DPIs only, and once the form has been received by the Monitoring Officer, the Interests information has been manually transferred onto a central excel spreadsheet – and this has acted as the 'Register'.
- 8.6. The revised Code includes a requirement to register certain Declarable Interests (*those under the amended 4.6 (c) – i.e. gifts & hospitality over £50 in the last six years and (d) membership or general control/ management of defined bodies*) on the same Register of Interests form. Neither of these Declarable Interests are new; however, *currently*: in respect of the former, any gifts or hospitality has to be declared on a separate form, and in terms of the latter – even though this is something that will be known to the Councillor, it only has to be declared when an item of authority business affects those bodies. The requirement to register such information on one Councillor's Register of Interests form will simplify the process for gifts & hospitality on the one hand and promote transparency/ centralisation of a Councillor's Interests information on the other.
- 8.7. The current system of manually transferring information creates an unnecessary administrative stage, could lead to transcribing errors and given there will potentially be further Declarable Interests information that will have to be transferred, it is recommended that the notification/declaration form as was, becomes the individual Councillor's Register of Interests. Once received it will be scanned onto the system (signature redacted) and retained on the individual Councillor's website page until replaced/ or the Councillor is no longer elected (amounting to automatic removal from the website – rather than manual amendment to the Register if the Councillor does not stand again/ or is not re-elected).
- 8.8. Whilst DPIs have to be disclosed and put on a Register, the format of that Register is a matter for the authority. If it decides that this can be on one document submitted by the Councillor, then the requirements under the 2011 Act will have been met (providing this Register of Interests form is made available for inspection and on the authority's website).

- 8.9. If Full Council adopts the revised provisions relating to registration of 4.6(c), the Gifts & Hospitality Protocol will also have to be amended slightly to reflect this.
- 8.10. The new form is set out as a “clean” amended version at Appendix C, with the version showing the tracked changes at Appendix D (font format amendments have not been shown as tracked changes).

Implementation Date

- 8.11. The date for the new Code and Register of Interest form to come into operation is recommended for the new municipal year - commencing on 4 May 2018 (the election day is 3 May 2018) to allow time to revise: the Constitution, the NHDC Guide on the amended Code, the ‘NHDC Members’ Protocol for Gifts and Hospitality’ and Councillor training to be offered/ provided in advance of this date.

9. LEGAL IMPLICATIONS

The Code:

- 9.1 There is no mandatory English Code, although as indicated under the Background, the Code must be consistent with the Nolan principles and include provisions concerning registration and disclosure of DPs and other interests.
- 9.2 The Terms of Reference of this Committee under 7.5.4 of the Constitution are “ *to advise the Council on the adoption or revision of the Members’ Code of Conduct*”. The Standards Committee does not, however have the legal ability to adopt a revised Code, as this is reserved under section 28(13) of the 2011 Act to Full Council. The Terms of Reference of Full Council provide under 4.4.1 that only Full Council will exercise the following functions: “*(s) adopting and amending the Authority’s Code of Conduct for Members and other codes and protocols comprising the ethical framework*”.
- 9.3 Under the 2011 Act a revised or replacement Code has to be publicised in such a manner that is likely to bring this to the attention of those who live in the area⁶ and this will be organised by the Monitoring Officer.
- 9.4 Full Council also has the legal remit to authorise amendments to the Constitution. If the proposed change relating to the new Councillor ‘Speaking Right’ is adopted, then amendments to relevant parts of the Constitution will have to be considered/ made. The Monitoring Officer has delegated authority to deal with minor amendments or to put in to effect any that relate to a decision of the Council. Such amendment in this instance, to come into effect the same date as the Code. Any changes will be reported back to Councillors in the normal manner post change via MIS and the next meeting of Council (as per sections 2.6.2 (a) & (c), 2.6.3 & 2.6.4 of the Constitution).
- 9.5 The Corporate Legal Manager (the Monitoring Officer) has delegated authority under section 14.6.9(c) of the Constitution: “*to authorise changes to the Governance Policies/ Protocols/ Codes or Guidance (as the case may be) that fall within the remit of the Monitoring Officer and/ or Legal Services (and are not already covered by 14.6.9(d) to reflect decisions of the Council / Committees and the Cabinet, or minor ones relating to changes of fact and law, or if required for practical purposes, in order to ensure the proper administration of the Council, subject to regular notification to all Members of such changes.*” This would therefore apply to the Gifts & Hospitality Protocol and the NHDC Guide to the Code of Conduct.

⁶ Section 28(12) of the 2011 Act.
STANDARDS (10.10.17)

Register of Interests:

- 9.6 There is no prescribed form for a Councillors' Register of Interests, although the Monitoring Officer must establish and maintain the Register, and make it available for inspection and publish this on the authority's website⁷.
- 9.7 The Terms of Reference of this Committee under 7.5.1 of the Constitution are "*to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority*". Whilst the Register format could be a matter for the Monitoring Officer, it is appropriate for this to be considered by this Committee and any changes in terms of the individual Register of Interests/ placing these on the Councillor's page, to be endorsed by Full Council.
- 9.8 The content of the report and actions therefore fall within the remit of the Standards Committee to consider and make recommendations to Council.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no capital or revenue implications arising from the content of this report.

11. RISK IMPLICATIONS

- 11.1 Appropriate policy frameworks help to ensure that the authority has good governance arrangements in place.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 Whilst the proposals include amending the Code to reflect updated protected characteristics and the Public Sector Duty, that are no other direct equality implications of this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and "go local" policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no direct human resource implications relating to this matter.

15. APPENDICES

- 15.1 Appendix A – **Clean version of the Code *with tracked changes accepted***;
- 15.2 Appendix B – Code with tracked changes;
- 15.3 Appendix C – **Clean version of the Councillor's Register of Interests Form *with tracked changes accepted***; and
- 15.4 Appendix D – former notification/ declarations form with tracked changes.

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17. BACKGROUND PAPERS

17.1. Section 17 NHDC Constitution – Code of Conduct [\[CLICK HERE\]](#).

17.2. The NHDC Constitution [\[CLICK HERE\]](#).

17.3. [NHDC Members' Protocol for Gifts and Hospitality](#)

17.4. [Corporate Governance page \[CLICK HERE\]](#)

SECTION 17

NORTH HERTS DISTRICT COUNCIL CODE OF CONDUCT FOR COUNCILLORS (AND VOTING / NON-VOTING CO-OPTÉES)

(May 2018¹)

1. INTRODUCTION

- 1.1. Trust and confidence in public office-holders and institutions are essential for the effective functioning of local authorities. This is particularly true in the case of elected office-holders. Section 27(2) of the Localism Act 2011 requires a relevant authority to adopt a code setting out the conduct that is expected of a Councillor or co-opted Councillor (“Councillor”). The Council (“the authority”) has therefore adopted this Code of Conduct to promote and maintain high standards of conduct in public life. Its purpose is not to inhibit legitimate representational and political activity, but to provide a framework that enables such activities to be carried out appropriately.
- 1.2. This Code applies to all Councillors, voting or non-voting. As a Councillor you must meet/adhere to the seven Nolan principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. They are set out in more detail in Appendix B. These principles underpin this Code and will be used for interpretation, investigation and determination purposes.
- 1.3. This Code covers the following areas:
- **Part 1** sets out general obligations regarding Councillors’ behaviour;
 - **Part 2** sets out how Councillors must behave if they have an interest in an item of authority business (“Councillors’ Interests”);
 - **Appendix A** - Description of Disclosable Pecuniary Interests;
 - **Appendix B** - Nolan principles of public life;
 - **Appendix C** - Dispensation grounds.

If in doubt about the application or interpretation of any of the provisions of this Code, you should check the NHDC Guide that supports it and/or seek advice from the Monitoring Officer.

2. WHEN DOES THE CODE OF CONDUCT APPLY?

- 2.1 In this Code “meeting” means any meeting of:
- (a) the authority;
 - (b) the executive of the authority;
 - (c) the authority, or its executive’s, committees, sub-committees joint committees, joint sub-committees, or area committees (including working groups, working parties and panels);

¹ Approved by Full Council 23 November 2017

- (d) informal meetings with other Councillors and/or Officers relating to the discharge of the authority's business.

2.2 This Code applies—

- (a) whenever you conduct the business of, or are present at a meeting of, the authority; or
- (b) whenever you act, or claim to act, or give the impression you are acting, in the role of Councillor to which you were elected or appointed; or
- (c) whenever you act, or claim to act or give the impression you are acting, as a representative of the authority; or
- (d) at all times and in any capacity, in respect of conduct described in paragraphs 3.4(a) and 3.5; or
- (e) in respect of any criminal offence of which you have been convicted or for which you have accepted an out of court disposal² during your term of office.

2.3 Where you are elected, appointed or nominated by the authority to serve on any other authority or body you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body.

2.4 Where you are elected, appointed or nominated by the authority to serve on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this Code, unless it conflicts with any other lawful obligations to which that other body may be subject.

PART 1 RULES OF CONDUCT

3. GENERAL OBLIGATIONS

3.1 You must comply with this Code. You fail to do so if you do not comply with any of the obligations in this Code.

3.2 ***Duties and Responsibilities***

You must:

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their race, pregnancy and maternity, gender reassignment, marriage or civil partnership, disability, sex or sexual orientation, age, religion or belief;
- (b) not do anything which may cause the authority to breach equalities legislation;
- (c) show respect and consideration for others;

² To include: simple caution, a conditional caution, any appropriate regulatory proceedings, a punitive or civil penalty, or prosecution-related disposal.

- (d) not bully or harass any person;
- (e) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the authority.

3.3 **Information**

You must not:

- (a) disclose confidential information or information which could reasonably be regarded as being confidential without the express prior consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

3.4 **Conduct**

You must:

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or the authority into disrepute;
- (b) not make vexatious, malicious or frivolous complaints against other Councillors or anyone who works for, or on behalf of, the authority;
- (c) comply with any request of the authority's Monitoring Officer, or section 151/ Chief Finance Officer, or Head of Paid Service in connection with an inquiry or investigation conducted in accordance with their respective statutory powers.

3.5 **Use of your Position**

You must not:

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on, or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of the authority:—
 - (i) imprudently;
 - (ii) in breach of the authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority, or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

3.6 **Decision Making**

You must:

- (a) when participating in meetings or reaching decisions that are the business of the authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the authority's Statutory Officers listed below: —
 - (i) the Head of Paid Service;
 - (ii) the s.151 Officer/ Chief Finance Officer;
 - (iii) the Monitoring Officer/ Chief legal Officer;

and give sufficient reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.
- (b) act reasonably and not prejudice or demonstrate bias, or be seen to prejudice or demonstrate bias, in respect of any decision.

3.7 **Compliance with the Law and the Authority's Rules and Policies**

You must:

- (a) (i) uphold the criminal law. You fail to uphold the criminal law if you are convicted or you have accepted an out of court disposal³ during your term of office;
- (ii) notify the Monitoring Officer within 14 days of any conviction or out of court disposal.
- (b) observe the law and the authority's rules governing the claiming of expenses and allowances in connection with your duties as a Councillor;
- (c) comply with NHDC's Members' Protocol for Gifts and Hospitality;
- (d) comply with any other policy which sets out requirements for Councillor conduct. This includes the Protocol on Member/Officer Working Arrangements and Planning Code of Good Practice for Members.
- (e) attend compulsory⁴ training provided by the authority or when directed to⁵ attend following the determination of a Councillor Conduct complaint.

³ To include: simple caution, a conditional caution, any appropriate regulatory proceedings, a punitive or civil penalty, or prosecution-related disposal.

⁴ For the purposes of this Code, training will only be considered compulsory if designated as such by: a Statutory Officer 3.6 (a) i-iii) with the agreement of Group Leaders; or decision of Full Council, Cabinet or Committee.

⁵ By the Monitoring Officer as part of informal resolution or Standards Sub-Committee both following a standards complaint, and a decision in the latter case that the Code has been breached.

PART 2
COUNCILLORS' INTERESTS

There are specific obligations on Councillors regarding the disclosure, declaration and participation in meetings which are set out in Part 2 below.

4. DISCLOSABLE PECUNIARY INTERESTS ('DPI's) AND DECLARABLE INTERESTS

DPIs

- 4.1 A Breach of the requirements relating to DPIs can constitute a criminal offence under Section 34 of the Localism Act 2011. DPIs are defined in the *Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012*, summarised at Appendix A⁶.
- 4.2 You have a DPI (as defined at Appendix A), if it is:
- (a) your interest; or
 - (b) an interest of a "relevant person" i.e. your spouse or civil partner (or equivalent co-habitee), and you are aware of that the relevant person has that interest.
- 4.3 If you have a DPI, you must, within 28 days:
- (a) of election or appointment as a Councillor (whichever is later), notify the Monitoring Officer of your DPI on the Register of Interests form;
 - (b) notify the Monitoring Officer of any change to your DPIs on the Register of Interests form.
- 4.4 A copy of your Register of Interests form will (subject to paragraph 5) be available for public inspection and published on the authority's website.
- 4.5 If a function of the authority can be carried out by a Councillor acting alone and you have a DPI in any matter to be dealt with when carrying out that function, you must not take any steps, or any further steps, in relation to the matter, except to enable the matter to be dealt with by another Councillor who can carry out the function.

DECLARABLE INTERESTS

- 4.6 You have a Declarable Interest in an item of business of the authority where it relates to, or might reasonably be likely to affect:
- (a) the well-being or financial standing of you or a member of your family or your employer or a person or body with whom you have a close association to a greater extent than it would affect the majority of:
 - (i) the inhabitants of the ward affected by the decision; or
 - (ii) the inhabitants of the authority's administrative area where the decision affects the wider area.
 - (b) the interests listed in Appendix A to this Code, but in respect of a member of your family or your employer or a person or body with whom you have a close association; or

⁶ From DCLG Guide for Councillors "Openness and Transparency on Personal Interests" March 2013

- (c) the interests of any person or body from whom you have received a gift or hospitality with an estimated value of at least £50 (or such other figure set in the NHDC Members' Protocol for Gifts and Hospitality). You need not disclose this interest if it was received and / or registered more than six years before the date of the meeting; or
- (d) any body of which you are a member or in a position of general control or management which:
 - (i) you are appointed or nominated to by the authority; or
 - (ii) exercises functions of a public nature; or
 - (iii) is directed to charitable purposes; or
 - (iv) includes as one of its principal purposes the influence of public opinion or policy (including any political party or trade union);

and that interest is not a DPI.

4.7 If you have a Declarable Interest you must within 28 days:

- (a) of election or appointment as a Councillor (whichever is later), notify the Monitoring Officer of any Declarable Interest listed under paragraph 4.6 (c) and/ or (d) on the Register of Interests form.
- (b) notify the Monitoring Officer of any change to the Declarable Interests listed under paragraph 4.6 (c) and/ or (d) on the Register of Interests form.

These will be on the same Register of Interests and arrangements as DPIs described at paragraphs 4.3 and 4.4.

5. SENSITIVE INTERESTS

- 5.1 A DPI or Declarable Interest will not be published or made available for inspection, or the details disclosed in meetings, where the nature of the interest is such that you and the Monitoring Officer have reasonable grounds for believing that disclosure could lead to you or a person connected with you being subject to violence or intimidation. If the Monitoring Officer agrees with you, it will then be considered a "sensitive interest" for the purposes of this Code. The obligations in relation to not participating or voting in a meeting under paragraph 6 shall still otherwise apply.
- 5.2 You must, within 28 days of becoming aware of any change of circumstances that means that information excluded under paragraph 5.1 is no longer a sensitive interest, notify the Monitoring Officer. You must then enter the information on your Register of Interests as per the arrangements at paragraphs 4.3, 4.4 and/ or 4.7.

6. DECLARING INTERESTS, PARTICIPATING AND VOTING AT MEETINGS

DPIs

- 6.1. If you attend a meeting and have, and are aware that you have, a DPI in any matter to be considered, or being considered, at the meeting, then:

- (a) you must orally disclose the existence and nature of your DPI before the consideration of the item of business or as soon as it becomes apparent unless paragraph 5.1 applies; and
 - (b) you must not participate in any discussion of the matter at the meeting or vote; or
 - (c) if you become aware of your DPI during the meeting, you must not participate further in any discussion in the matter or vote;
- and in all cases
- (d) you must leave the room where the meeting is being held unless you have received a dispensation from the Monitoring Officer (see paragraph 7 & Appendix C).

DECLARABLE INTERESTS

6.2. If you attend a meeting and have, and are aware that you have, a Declarable Interest in any matter to be considered or being considered at the meeting, then:

- (a) you must orally disclose the existence and nature of your Declarable Interest before the consideration of the item of business or as soon as it becomes apparent unless paragraph 5.1 applies;

and

- (b) If the Declarable 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, then you must not participate in the discussion, or vote on the item, and you must leave the room, *unless*:

- (i) you have received a dispensation from the Monitoring Officer (see paragraph 7 & Appendix C); or
- (ii) you wish to exercise a 'Councillor Speaking Right'. To do so you must comply with 6.2 (c).

- (c) If you wish to exercise a Councillor Speaking Right:

- (i) you must declare that you intend to do so at the same time as 6.2 (a) and such right will be subject to the time limits for public speaking; and
- (ii) you must move to the public area of the meeting room before exercising the Speaking Right; and
- (iii) once exercised, you must then leave the room before the debate and vote.

NOTE: a Councillor Speaking Right cannot be exercised at informal meetings.⁷ This cannot be exercised in relation to a DPI.

⁷ Informal meeting is defined under paragraph 2.1(d).

7. DISPENSATIONS

- 7.1 Section 33 of the Localism Act 2011 allows the authority in certain circumstances to grant a dispensation to permit a Councillor to participate in the business of the authority, even if the Councillor has a DPI relating to that business. The authority has also decided that dispensations may be applied to Declarable Interests.
- 7.2 If you would like the authority to consider granting you a dispensation where you have a DPI or a Declarable Interest, you must make a prior written request to the Monitoring Officer. The grounds under which such an application will be considered are detailed in Appendix C.

APPENDIX A

Description of Disclosable Pecuniary Interests (from *DCLG Guide for Councillors "Openness and Transparency on Personal Interests" March 2013*⁸).

Further assistance may be obtained from the '**Guide to NHDC Code of Conduct**' available on the authority's website: <https://www.north-herts.gov.uk/home/council-and-democracy/councillors-mps-and-meps/councillors-code-conduct-and-declaration>

If you have any of the following pecuniary interests, they are your **Disclosable Pecuniary Interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Other payments received

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your 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. The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your Disclosable Pecuniary Interests following your election or re-election, or when you became aware you had a Disclosable Pecuniary Interest relating to a matter on which you were acting alone.

Contracts

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Land

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

⁸ Updated in September 2013.

Licences

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Corporate tenancies

Any tenancy where (to your knowledge) –

- the landlord is your council or authority; and
- the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Securities

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; 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 you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

APPENDIX B**Nolan principles of public life**

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 declare 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 C**Dispensation grounds⁹**

A dispensation may be granted only if, after having had regard to all relevant circumstances, the Monitoring Officer considers that—

- (a) without the dispensation the number of Councillors prohibited from participating in any particular business, would be so great a proportion of the body transacting the business, as to impede the transaction of the business;
- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) granting the dispensation is in the interests of persons living in the authority's area;
- (d) without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or
- (e) considers that it is otherwise appropriate to grant a dispensation.

A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

⁹ The full wording for the statutory grounds for a DPI dispensation can be found under section 33 Localism Act 2011

SECTION 17

NORTH HERTS DISTRICT COUNCIL CODE OF CONDUCT FOR COUNCILLORS (AND VOTING / NON-VOTING CO-OPTÉES)

(May 2018¹)

1. INTRODUCTION

- 1.1. Trust and confidence in public office-holders and institutions are essential for the effective functioning of local authorities. This is particularly true in the case of elected office-holders. Section 27(2) of the Localism Act 2011 requires a relevant authority to adopt a code setting out the conduct that is expected of a Councillor or co-opted Councillor (“Councillor”). The Council (“the authority”) has therefore adopted this Code of Conduct to promote and maintain high standards of conduct in public life. Its purpose is not to inhibit legitimate representational and political activity, but to provide a framework that enables such activities to be carried out appropriately.
- 1.2. ~~The~~This Code applies to all Councillors, voting or non-voting. As a Councillor you must meet/adhere to the seven Nolan principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. They are set out in more detail in Appendix B. These principles underpin this Code and will be used for interpretation, investigation and determination purposes.
- 1.3. This Code covers the following areas:
- **Part 1** sets out general obligations regarding Councillors’ behaviour;
 - **Part 2** sets out how Councillors must behave if they have an interest in an item of authority business (“Councillors’ Interests”);
 - **Appendix A** - Description of Disclosable Pecuniary Interests;
 - **Appendix B** - Nolan principles of public life;
 - **Appendix C** - Dispensation grounds.

If in doubt about the application or interpretation of any of the provisions of this Code, you should check the NHDC Guide that supports it and/or seek advice from the Monitoring Officer.

2. WHEN DOES THE CODE OF CONDUCT APPLY?

- 2.1 In this Code “meeting” means any meeting of:
- (a) the authority;
 - (b) the executive of the authority;
 - (c) the authority, or its executive’s, committees, sub-committees joint committees, joint sub-committees, or area committees (including working groups, working parties and panels);

¹ Approved by Full Council 23 November 2017

- (d) informal meetings with other Councillors and/or Officers relating to the discharge of the authority's business.

2.2 This Code applies—

- (a) whenever you conduct the business of, or are present at a meeting of, the authority; or
- (b) whenever you act, or claim to act, or give the impression you are acting, in the role of Councillor to which you were elected or appointed; or
- (c) whenever you act, or claim to act or give the impression you are acting, as a representative of the authority; or
- (d) at all times and in any capacity, in respect of conduct described in paragraphs 3.4(a) and 3.5; or
- (e) in respect of any criminal offence of which you have been convicted or for which you have accepted an out of court disposal² during your term of office.

2.3 Where you are elected, appointed or nominated by the authority to serve on any other authority or body you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body.

2.4 Where you are elected, appointed or nominated by the authority to serve on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this Code, unless it conflicts with any other lawful obligations to which that other body may be subject.

PART 1
RULES OF CONDUCT

3. GENERAL OBLIGATIONS

3.1 You must comply with this Code. You fail to do so if you do not comply with any of the obligations in this Code.

3.2 *Duties and Responsibilities*

² To include: simple caution, a conditional caution, any appropriate regulatory proceedings, a punitive or civil penalty, or prosecution-related disposal.

You must:

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their race, pregnancy and maternity, gender reassignment, marriage or civil partnership, disability, sex or sexual orientation, age, religion or belief;
- (b) not do anything which may cause the authority to breach equalities legislation;
- (c) show respect and consideration for others;
- (d) not bully or harass any person;
- (e) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the authority.

3.3 **Information**

You must not:

- (a) disclose confidential information or information which could reasonably be regarded as being confidential without the express prior consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

3.4 **Conduct**

You must:

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or the authority into disrepute;
- (b) not make vexatious, malicious or frivolous complaints against other Councillors or anyone who works for, or on behalf of, the authority;
- (c) comply with any request of the authority's Monitoring Officer, or section 151/ Chief Finance Officer, or Head of Paid Service in connection with an inquiry or investigation conducted in accordance with their respective statutory powers.

3.5 **Use of your Position**

You must not:

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on, or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of the authority:—
 - (i) imprudently;

- (ii) in breach of the authority's requirements;
- (iii) unlawfully;
- (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority, or of the office to which you have been elected or appointed;
- (v) improperly for political purposes; or
- (vi) improperly for private purposes.

3.6 **Decision Making**

You must:

- (a) when participating in meetings or reaching decisions that are the business of the authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the authority's Statutory Officers listed below: —
 - (i) the Head of Paid Service;
 - (ii) the s.151 Officer/ Chief Finance Officer;
 - (iii) the Monitoring Officer/ Chief legal Officer;

and give sufficient reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.
- (b) act reasonably and not prejudice or demonstrate bias, or be seen to prejudice or demonstrate bias, in respect of any decision.

3.7 **Compliance with the Law and the Authority's Rules and Policies**

You must:

- (a) (i) uphold the criminal law. You fail to uphold the criminal law if you are convicted or you have accepted an out of court disposal³ during your term of office;
- (ii) notify the Monitoring Officer within 14 days of any conviction or out of court disposal.
- (b) observe the law and the authority's rules governing the claiming of expenses and allowances in connection with your duties as a Councillor;
- (c) comply with NHDC's Members' Protocol for Gifts and Hospitality;
- (d) comply with any other policy which sets out requirements for Councillor conduct. This includes the Protocol on Member/Officer Working Arrangements and Planning Code of Good Practice for Members.

³ To include: simple caution, a conditional caution, any appropriate regulatory proceedings, a punitive or civil penalty, or prosecution-related disposal.

- (e) attend compulsory⁴ training provided by the authority or when directed to⁵ attend following the determination of a Councillor Conduct complaint.

PART 2 **COUNCILLORS' INTERESTS**

There are specific obligations on Councillors regarding the disclosure, declaration and participation in meetings which are set out in Part 2 below.

4. DISCLOSABLE PECUNIARY INTERESTS ('DPI's) AND DECLARABLE INTERESTS

DPIs

- 4.1 A Breach of the requirements relating to DPIs can constitute a criminal offence under Section 34 of the Localism Act 2011. DPIs are defined in the *Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012*, summarised at Appendix A⁶.
- 4.2 You have a DPI (as defined at Appendix A), if it is:
- (a) your interest; or
 - (b) an interest of a "relevant person" i.e. your spouse or civil partner (or equivalent co-habitee), and you are aware of that the relevant person has that interest.
- 4.3 If you have a DPI, you must within 28 days:
- (a) of election or appointment as a Councillor (whichever is later), notify the Monitoring Officer of your DPI on the Register of Interests form;
 - (b) notify the Monitoring Officer of any change to your DPIs on the register of interests form.
- 4.4 A copy of your Register of Interests form will (subject to paragraph 5) be available for public inspection and published on the authority's website.
- 4.5 If a function of the authority can be carried out by a Councillor acting alone and you have a DPI in any matter to be dealt with when carrying out that function, you must not take any steps, or any further steps, in relation to the matter, except to enable the matter to be dealt with by another Councillor who can carry out the function.

DECLARABLE INTERESTS

⁴ For the purposes of this Code, training will only be considered compulsory if designated as such by: a Statutory Officer 3.6 (a) i)-iii) with the agreement of Group Leaders; or decision of Full Council, Cabinet or Committee.

⁵ By the Monitoring Officer as part of informal resolution or Standards Sub-Committee both following a standards complaint, and a decision in the latter case that the Code has been breached.

⁶ From DCLG *Guide for Councillors "Openness and Transparency on Personal Interests" March 2013*

- 4.6 You have a Declarable Interest in an item of business of the authority where it relates to, or might reasonably be likely to affect:
- (a) the well-being or financial standing of you or a member of your family or your employer or a person or body with whom you have a close association to a greater extent than it would affect the majority of:
 - (i) the inhabitants of the ward affected by the decision; or
 - (ii) the inhabitants of the authority's administrative area where the decision affects the wider area.
 - (b) the interests listed in Appendix A to this Code, but in respect of a member of your family or your employer or a person or body with whom you have a close association; or
 - (c) the interests of any person or body from whom you have received a gift or hospitality with an estimated value of at least £50 (or such other figure set in the NHDC Members' Protocol for Gifts and Hospitality). You need not disclose this interest if it was received and / or registered more than six years before the date of the meeting; or
 - (d) any body of which you are a member or in a position of general control or management which:
 - (i) you are appointed or nominated to by the authority; or
 - (ii) exercises functions of a public nature; or
 - (iii) is directed to charitable purposes; or
 - (iv) includes as one of its principal purposes the influence of public opinion or policy (including any political party or trade union);
 and that interest is not a DPI.

- 4.7 If you have a Declarable Interest you must within 28 days:

- (a) of election or appointment as a Councillor (whichever is later), notify the Monitoring Officer of any Declarable Interest listed under paragraph 4.6 (c) and/ or (d) on the register of interests form.
- (b) notify the Monitoring Officer of any change to the Declarable Interests listed under paragraph 4.6 (c) and/ or (d) on the register of interests form.

These will be on the same register of interests and arrangements as DPIs described at paragraphs 4.3 and 4.4.

5. SENSITIVE INTERESTS

- 5.1 A DPI or Declarable Interest will not be published or made available for inspection, or the details disclosed in meetings, where the nature of the interest is such that you and the Monitoring Officer have reasonable grounds for believing that disclosure could lead to you or a person connected with you being subject to violence or intimidation. If the Monitoring Officer agrees with you, it will then be considered a

“sensitive interest” for the purposes of this Code. The obligations in relation to not participating or voting in a meeting under paragraph 6 shall still otherwise apply.

- 5.2 You must, within 28 days of becoming aware of any change of circumstances that means that information excluded under paragraph 5.1 is no longer a sensitive interest, notify the Monitoring Officer. You must then enter the information on your register of interests as per the arrangements at paragraphs 4.3, 4.4 and/ or 4.7.

6. DECLARING INTERESTS, PARTICIPATING AND VOTING AT MEETINGS

DPIs

- 6.1. If you attend a meeting and have, and are aware that you have, a DPI in any matter to be considered, or being considered, at the meeting, then:
- (a) you must orally disclose the existence and nature of your DPI before the consideration of the item of business or as soon as it becomes apparent unless paragraph 5.1 applies; and
 - (b) you must not participate in any discussion of the matter at the meeting or vote; or
 - (c) if you become aware of your DPI during the meeting, you must not participate further in any discussion in the matter or vote;
- and in all cases
- (d) you must leave the room where the meeting is being held unless you have received a dispensation from the Monitoring Officer (see paragraph 7 & Appendix C).

DECLARABLE INTERESTS

- 6.2. If you attend a meeting and have, and are aware that you have, a Declarable Interest in any matter to be considered or being considered at the meeting, then:
- (a) you must orally disclose the existence and nature of your Declarable Interest before the consideration of the item of business or as soon as it becomes apparent unless paragraph 5.1 applies;
- and
- (b) If the Declarable 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, then you must not participate in the discussion, or vote on the item, and you must leave the room, *unless*:
 - (i) you have received a dispensation from the Monitoring Officer (see paragraph 7 & Appendix C); or
 - (ii) you wish to exercise a 'Councillor Speaking Right'. To do so you must comply with 6.2 (c).
 - (c) If you wish to exercise a Councillor Speaking Right:

(i) you must declare that you intend to do so at the same time as 6.2 (a) and such right will be subject to the time limits for public speaking; and

(ii) you must move to the public area of the meeting room before exercising the Speaking Right; and

(iii) once exercised, you must then leave the room before the debate and vote.

NOTE: a Councillor Speaking Right cannot be exercised at informal meetings. This cannot be exercised in relation to a DPI.

[NB OLD WORDING 6 & 7] **7. DISPENSATIONS**

7.1 Section 33 of the Localism Act 2011 allows the authority in certain circumstances to grant a dispensation to permit a Councillor to participate in the business of the authority, even if the Councillor has a DPI relating to that business. The authority has also decided that dispensations may be applied to Declarable Interests.

7.2 If you would like the authority to consider granting you a dispensation where you have a DPI or a Declarable Interest, you must make a prior written request to the Monitoring Officer. The grounds under which such an application will be considered are detailed in Appendix C.

APPENDIX A

Description of Disclosable Pecuniary Interests (from *DCLG Guide for Councillors "Openness and Transparency on Personal Interests" March 2013*⁷).

Further assistance may be obtained from the '**Guide to NHDC Code of Conduct**' available on the authority's website: <https://www.north-herts.gov.uk/home/council-and-democracy/councillors-mps-and-meps/councillors-code-conduct-and-declaration>

If you have any of the following pecuniary interests, they are your **Disclosable Pecuniary Interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Other payments received

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your 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. The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your Disclosable Pecuniary Interests following your election or re-election, or when you became aware you had a Disclosable Pecuniary Interest relating to a matter on which you were acting alone.

Contracts

⁷ Updated in September 2013.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Land

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Licences

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Corporate tenancies

Any tenancy where (to your knowledge) –

- the landlord is your council or authority; and
- the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Securities

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; 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 you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

APPENDIX B

Nolan principles of public life

<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	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 declare and resolve any interests and relationships.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	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.

<i>Openness</i>	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.
<i>Honesty</i>	Holders of public office should be truthful.
<i>Leadership</i>	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 C

Dispensation grounds⁸

A dispensation may be granted only if, after having had regard to all relevant circumstances, the Monitoring Officer considers that—

- (a) without the dispensation the number of Councillors prohibited from participating in any particular business, would be so great a proportion of the body transacting the business, as to impede the transaction of the business;
- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) granting the dispensation is in the interests of persons living in the authority's area;
- (d) without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or
- (e) considers that it is otherwise appropriate to grant a dispensation.

A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

⁸ The full wording for the statutory grounds for a DPI dispensation can be found under section 33 Localism Act 2011

Received by the Monitoring Officer/ Deputy Monitoring Officer.....
Date.....



NORTH HERTFORDSHIRE DISTRICT COUNCIL

REGISTER OF COUNCILLOR'S INTERESTS

DISCLOSABLE PECUNIARY INTERESTS & DECLARABLE INTERESTS

The Register of interests is maintained by the Monitoring Officer at North Hertfordshire District Council in accordance with section 29 of the Localism Act 2011. It is a Councillor's responsibility to notify the Monitoring Officer of their interests and keep the Register up to date within 28 days of election or appointment or of any changes.¹

This form is the Register of Interests for the Councillor named below:

I, (full name)

a Councillor of North Hertfordshire District Council (the 'Council'), set out below under the appropriate headings my interests, which I am required to declare under the Localism Act 2011 and NHDC Code of Conduct.

DISCLOSABLE PECUNIARY INTERESTS ('DPIs')
<p>Councillors are required by law² to register not only their own interests, but also any known interests under these headings of a "relevant person" i.e. your husband or wife, civil partner, or the interests of any person with whom you are living as husband and wife or as civil partners, as these interests are all considered to be a Councillor's (i.e. your) DPIs³.</p>
<p>1. Employment, office, trade, profession or vocation Any employment, office, trade, profession or vocation carried on by you or a relevant person for profit or gain (includes any payments or benefits in kind).</p>
<p>2. Sponsorship/ other payments received in respect of your role as a Councillor Any payment or provision of any other financial benefit made or provided within the last 12 months in respect of any expenses incurred by you in carrying out duties as a Councillor or towards your 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. You are not required to declare allowances or expenses received from NHDC on this form.</p>

¹ NB if you require any assistance as to how to complete this document, please contact the Monitoring Officer or Deputy Monitoring Officer. Please return the **original form** marked for the attention of the Monitoring Officer of North Hertfordshire District Council.

² Localism Act 2011/ Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

³ The exception is if this is a "Sensitive Interest" – see Code of Conduct. This must be agreed with the Monitoring Officer.

3. Contracts

Any contract for goods, services or works made between you, a relevant person (or a body in which you or the relevant person has a beneficial interest) and the Council, which has not been fully discharged.

4. Land

Any beneficial interest in land that you or a relevant person has within the Council area. Note this includes the full address for residential or commercial premises and for other land, a road/ map identification or TR/OS Grid reference.

5. Licences

Any licence (alone or jointly with others) which you, or a relevant person has to occupy land in the Council area for a month or longer.

6. Corporate tenancies

Any tenancy between the Council as landlord and you, or a relevant person (or a body you or a relevant person has a beneficial interest in).

7. Securities

Any beneficial interest you or a relevant person has in securities of a body, where (to your knowledge):

a) that body has a place of business or land in the Council area; and

b) either

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issue 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 you have or a person referred to above has a beneficial interest exceeds one hundredth of the total issue share capital of that class.

DECLARABLE INTERESTS

In addition to the above, a Councillor is required to register Declarable Interests (those applying under paragraph 4.6 (c) and (d) of the NHDC Code).

8. Gifts & Hospitality

That you have received in the last 6 years *related to your role as Councillor* with an estimated value of at least £50. *You are not required to detail facilities or hospitality provided by the Council.* Otherwise, please detail:

- the gift or hospitality received,
- date it was received, and
- Person/ company/ body who provided this and their full address.

9. Outside bodies

Any body of which you are a member or in a position of general control or management which:

(i) you are appointed or nominated to by the authority; or

(ii) exercises functions of a public nature; or

(iii) is directed to charitable purposes; or

(iv) includes as one of its principal purposes the influence of public opinion or policy (including any political party or trade union).

Detail: Date of appointment & position (i.e. Director, Trustee, member/ representative/ observer).

<p>10. AMENDMENTS TO 1-9 ABOVE, WHERE THERE IS A MINOR CHANGE/ AMENDMENT TO ONE SECTION.</p> <p>This can be detailed below with reference to the relevant section, initialled and dated [eg <i>Details under section 7 above are now as follows</i>].</p>

I have noted that it can be a criminal offence under the Localism Act 2011, and a potential breach of the NHDC Code to:-

- (1) omit information that must be given in this Register;
- (2) knowingly or recklessly provide information that is materially false or misleading;
- (3) fail to provide up to provide up to date information on my interests within 28 days.

I believe that the information provided by me in this Register is true.

If I have put "none", this is where I have no interest or am unaware of such interest in that heading. I acknowledge that section 29(5) Localism Act 2011 requires the Monitoring Officer to make this Register of Interests available for inspection and publish it on the Council's website.

Councillor signature :-----

[NB your signature will be redacted before being put on the Council's website]

Date:-----

Received by the Monitoring Officer/ Deputy Monitoring Officer (initialled).....

Date.....



NORTH HERTFORDSHIRE DISTRICT COUNCIL

REGISTER OF COUNCILLOR'S INTERESTS

DISCLOSABLE PECUNIARY INTERESTS & DECLARABLE INTERESTS

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<p>Councillors are required by law² to register not only their own interests, but also any known interests under these headings of a "relevant person" i.e. your husband or wife, civil partner, or the interests of any person with whom you are living as husband and wife or as civil partners, as these interests are all considered to be a Councillor's (i.e. your) DPIs³.</p>
<p>1. Employment, office, trade, profession or vocation Any employment, office, trade, profession or vocation carried on by you or a relevant person for profit or gain (includes any payments or benefits in kind.</p>
<p>2. Sponsorship/ other payments received in respect of your role as a Councillor Any payment or provision of any other financial benefit made or provided within the last 12 months in respect of any expenses incurred by you in carrying out duties as a Councillor or towards your 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. You are not required to declare allowances or expenses received from NHDC on this form.</p>

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Any beneficial interest you or a relevant person has in securities of a body, where (to your knowledge):

a) that body has a place of business or land in the Council area; and

b) either

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issue 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 you have or a person referred to above has a beneficial interest exceeds one hundredth of the total issue share capital of that class.

DECLARABLE INTERESTS

In addition to the above, a Councillor is required to register Declarable Interests (those applying under paragraph 4.6 (c) and (d) of the NHDC Code).

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Detail: Date of appointment & position (i.e. Director, Trustee, member/ representative/ observer).

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Councillor signature :-----

[NB your signature will be redacted before being put on the Council's website]

Date:-----

RECEIVED

Signed:

Proper Officer of North Hertfordshire Council

Date: