

BOROUGH OF REIGATE AND BANSTEAD

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held at the Town Hall, Reigate on Monday, 2nd July 2007 at 7.30 p.m.

Present: Councillors S.A. Kulka and R.S. Mantle.

Mrs. J.A. Cook - Salfords and Sidlow Parish Council
Dr. R. Olliver - Horley Town Council

Mrs. J. Paul - Independent Member
Mr. J. Broadbent - Independent Member

1. CONSENT FOR THE MAYOR TO TAKE THE CHAIR

The Mayor (Councillor Mrs. D.A. Ross-Tomlin) had indicated that she was unable to attend the meeting. In the circumstances and in accordance with Committee Procedure Rules, the election of Chairman was conducted by the Democratic Services representative.

2. ELECTION OF CHAIRMAN

RESOLVED that Mr. J. Broadbent be elected Chairman of the Committee for the Municipal Year 2007/08.

(Mr. J. Broadbent - in the Chair)

3. ELECTION OF VICE-CHAIRMAN

RESOLVED that Mrs. J. Paul be elected Vice-Chairman of the Committee for the Municipal Year 2007/08.

4. MINUTES

RESOLVED that the Minutes of the meeting held on 12th March 2007 be approved as a correct record and signed.

5. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apology for Absence	Substitute Member
Councillor Mrs. J.S. Bray	-
Councillor Mrs. F.D.M. Dixon	-

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6. DECLARATIONS OF INTEREST

None.

7. THE ADOPTION OF A NEW MEMBER CODE OF CONDUCT

Further to the last meeting (2006/07 Minute 22) the Committee received a report on the adoption of a new Member Code of Conduct with effect from 1st September 2007.

The report set out relevant statutory powers, issues relating to the new Code and legal and financial implications. The report had appended to it a new Member Code of Conduct (for the Borough Council) Annex 1, a summary explanation of the provisions of the new Code (Annex 2) and a new Code for adoption by the Town and Parish Councils (Annex 3).

Members noted that the Council could adopt optional provisions (provided they were compatible with the mandatory provisions) and those recommended were shown in bold italics in the proposed Code set out in Annex 1. Councils could also adopt supplementary rules or guidance and a further report with proposals would be submitted to the Committee in due course.

The report concluded that in relation to interests etc. conflicts would inevitably remain but the changes brought about by the new Code were sensible and well intentioned. The rules in the proposed Code were clearer and more proportionate than those in the current Code. They struck a better balance between protecting the public and ensuring that Members could truly represent their own views, where appropriate, and most importantly, those of their constituents.

The Committee noted that Member training on the new Code had been arranged and the next, second session was on 30th July 2007.

RECOMMENDED that the new Member Code of Conduct, set out in the Appendix to the Minutes, including the optional provisions shown in bold italics be adopted with effect from 1st September 2007 in accordance with the provisions of the Local Authorities (Model Code of Conduct) Order 2007 and Section 51 of the Local Government Act 2000.

RESOLVED that:

- (i) the Monitoring Officer bring a further report to the Committee on the implications of introducing local rules for the issues set out in paragraph 9 of the submitted report; and
- (ii) Horley Town Council and Salfords and Sidlow Parish Council be requested to adopt the alternative Code set out in Annex 3 to the circulated report.

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**8. HEARING INTO AN ALLEGED BREACH OF THE CODE OF CONDUCT :
HEARING PROCEDURES**

In relation to an alleged breach of the Code of Conduct by a Borough Councillor, the Committee considered the adoption of Hearing Procedures, together with a penalty tariff checklist.

The Head of Legal and Property Services (and Monitoring Officer) updated the Committee on the current situation in respect of the alleged breach and indicated that pre-hearing training/briefing would be arranged. Proposed dates for this and the hearing itself would be circulated to Members in due course.

RESOLVED that the Hearing Procedures (and tariff checklist) as circulated with the Agenda, be adopted.

9. FUTURE MEETINGS

It was noted that meetings of the Committee were currently scheduled for:

24th September 2007
5th November 2007
28th January 2008
10th March 2008

At the meeting in September 2007 the intention was to provide the Committee with training on the new Code.

RESOLVED that the report be noted.

10. ANY OTHER URGENT BUSINESS

None.

The meeting closed at 8.05 p.m.

MEMBER CODE OF CONDUCT**Part 1****General Provisions****1. Introduction and Interpretation**

- (1) This Code applies to **you** as a Member of an Authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State, *which are set out in the Annex to this Code*.
- (3) It is **your** responsibility to comply with the provisions of this Code.
- (4) In this Code -

“meeting” means any meeting of-

- (a) the Authority;
- (b) the Executive of the Authority;
- (c) any of the Authority's committees, sub-committees, joint committees, joint sub-committees;
- (d) *informal meetings with other members and/or officers relating to the discharge of the Authority's functions.*

“Member” includes a co-opted Member and an appointed Member.

2. Scope

- (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you-
 - (a) conduct the business of your Authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your Authority,

and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

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- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where the conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after than date).
- (5) Where you act as a representative of your Authority-
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

- (1) You must treat others with respect.
- (2) You must not-
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be-
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with his or her Authority's code of conduct; or

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- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Authority.

4. You must not-

- (1) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where-
 - (a) you have the consent of a person authorised to give it;
 - (b) you are required by law to do so;
 - (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (d) the disclosure is-
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the Authority, *which includes the written advice of the Monitoring Officer*; or
- (2) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.

6. You-

- (1) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself any other person, an advantage or disadvantage; and
- (2) must, when using or authorising the use by others of the resources of your Authority-
 - (a) act in accordance with your Authority's reasonable requirements;
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes), *nor authorise the use by others of those resources or any other resources, the use of which is controlled or influenced by your Authority*; and

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- (3) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986, *or any legislation amending or replacing it, and any guidance issued by your Authority.*
7. (1) When reaching decision on any matter you must have regard to any relevant advice provided to you by-
- (a) your Authority's chief finance officer; or
 - (b) your Authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties ; and
- (2) You must *do so on the merits of the circumstances and in the public interest, and* give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your Authority.

Part 2

Interests

8. Personal interests

- (1) You have a personal interest in any business of your Authority where either-
- (a) it relates to or is likely to affect-
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your Authority;
 - (ii) any body-
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

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- (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant Authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your Authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your Authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests if any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your Authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your Authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the Authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a great extent that the majority of (in the case of Authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
2. In sub-paragraph (1)(b), a relevant person is-
- (a) a member of your family, or any person with whom you have a close association; or

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- (b) any person or body who employs or has appointed such person, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii)

9. Disclosure of personal interests

- (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your Authority and you attend a meeting of your Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your Authority which relates to or is likely to affect a person described in paragraph 8 (1)(a)(i) or 8(1)(a)(ii), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the Authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your Authority's register of the members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your Authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

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10. Prejudicial interest generally

- (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your Authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the Authority where that business-
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8, *which includes the amendment, modification or revocation of any such approval, consent, licence, permission or registration, or any condition, limitation or term to which it is subject*; or
 - (c) relates to the functions of your Authority in respect of-
 - (i) housing, where you are a tenant of your Authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to Members;
 - (v) any ceremonial honour given to Member; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

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11. Prejudicial interests arising in relation to overview and scrutiny committees

You also have a prejudicial interest in any business before an overview and scrutiny committee of your Authority (or of a sub-committee of such a committee) where-

- (a) that business relates to a decision made (whether implemented or not) or action taken by your Authority's Executive or another of your Authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a Member of the Executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

12. Effect of prejudicial interests on participation

- (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your Authority-

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held-

- (i) in a case where sub-paragraph (2) applies, immediately after making representation, answering questions or giving evidence;

- (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your Authority's standards committee; and

- (b) you must not seek improperly to influence a decision about that business.

- (2) Where you have a prejudicial interest in any business of your Authority, you may attend a Meeting (including a Meeting of the overview and scrutiny committee of your Authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose, whether under a statutory right or otherwise.

Part 3**Registration of Members' Interests****13. Registration of Members' interests**

- (1) Subject to paragraph 14, you must, within 28 days of-

- (a) this Code being adopted by or applied to your Authority; or
- (b) your election or appointment to office (where that is later),

register in your Authority's register of Members' interests (maintained under section 81 (1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8 (1)(a), by providing written notification to your Authority's monitoring officer.

- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your Authority's monitoring officer.

14. Sensitive information

- (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your Authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstance which means that information excluded under paragraph (1) is no longer sensitive information, notify your Authority's monitoring officer asking that the information be included in your Authority's register of members' interests.
- (3) In this Code, 'sensitive information' means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

ANNEX TO THE CODE OF CONDUCT

The following general principles are those referred to in paragraph 1(2) of the Code

THE GENERAL PRINCIPLES

Selflessness

- 1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

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Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasion avoid the appearance of such behaviour.

Objectivity

3. Members should make decision on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their Authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their Authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

