

STANDARDS COMMITTEE

Thursday, 17th November, 2011

10.00 am

**Bowl Room, Sessions House, County Hall
Maidstone**



AGENDA



STANDARDS COMMITTEE

Thursday, 17th November, 2011, at 10.00 am
Bowl Room, Sessions House, County Hall
Maidstone

Ask for: **Peter Sass**
Telephone: **01622 694002**

Tea/Coffee will be available 15 minutes before the start of the meeting in the meeting room

Membership

Miss R MacCrone (Chairman), Mr L Christie, Mr D S Daley, Mr K A Ferrin, MBE,
Mrs N Ahmed and Mr P Gammon, MBE

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

- 1 Substitutes/apologies
- 2 Declarations of Interest
- 3 Minutes of the meeting held on 5 October 2011 (Pages 1 - 2)
- 4 The Localism Bill - proposed changes to the Standards regime (Pages 3 - 6)
- 5 Bribery Act Policy (Pages 7 - 26)
- 6 Standards Committee Work Programme (Pages 27 - 28)
- 7 Any items that the Chairman may decide are urgent
- 8 Date of Next Meeting: 7 March 2012

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
(01622) 694002

Wednesday, 9 November 2011

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

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KENT COUNTY COUNCIL

STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held in the Wantsum Room, Sessions House, County Hall, Maidstone on Wednesday, 5 October 2011.

PRESENT: Miss R MacCrone (Chairman), Mr L Christie, Mr D S Daley, Mr J F London (Substitute for Mr K A Ferrin, MBE) and Mr P Gammon, MBE

IN ATTENDANCE: Mr P Sass (Head of Democratic Services)

UNRESTRICTED ITEMS

23. Substitutes/apologies

(Item 1)

Mr Sass reported that an apology had been received from Mr Ferrin, who was substituted by Mr London. In addition, Mrs Ahmed had also submitted her apologies for the meeting.

24. Declarations of Interest

(Item 2)

There were no declarations of interest made by members of the Committee.

25. Minutes of the meeting held on 14 July 2011

(Item 3)

The minutes of the meeting held on 14 July 2011, were approved as a correct record and signed by the Chairman.

26. The Localism Bill - proposed changes to the Standards regime

(Item 4)

The Committee gave further consideration to the proposals contained in the Localism Bill for the future of the standards regime.

Following a detailed discussion, the Committee agreed that the next step would be to have a discussion with the Group Leaders about the future shape of the ethical standards regime on the assumption that the proposals contained in the Localism Bill would be enacted as currently drafted. The opinions of the Group Leaders on the following matters were considered key in establishing a way forward:

- Whether KCC intended to retain a Code of Conduct for Members once the statutory requirement to have one disappears
- If a code is retained, what mechanism should there be for dealing with complaints that a Member is alleged to have breached the code?

- If a code is retained, what role does KCC envisage independent members having, if any, in relation to the new arrangements?
- The extent to which elected Members and others are consulted about the proposed new arrangements, prior to the County Council being asked to determine the future shape of the ethical standards regime once the Localism Bill is enacted.
- The public perception of there being, or appearing to be, any diminution of the stature of the existing ethical standards procedures
- The possibility of an enhanced role for the Monitoring Officer to investigate and take action in relation to certain types of complaints about the conduct of elected Members
- The role that the Members' Annual reports have in the overall assessment of the effectiveness of elected Members

Mr Sass was asked to prepare a short paper to assist with the discussion with Group Leaders, based on a wide range of options for the future of the ethical standards regime.

Resolved: that the report be noted and the Head of Democratic Services be asked to invite the three Group Leaders to the next meeting of the Committee on 17 November 2011 to enable a discussion to take place on a wide range of options for the future of the ethical standards regime at Kent County Council.

27. Standards Committee Work Programme and future meeting dates

(Item 5)

The Committee noted its current draft work programme, which had been circulated as part of the agenda papers, and future meeting dates, as follows:

17 November 2011
 7 March 2012
 22 May 2012
 10 July 2012
 13 November 2012

28. Any other urgent business

(Item 6)

There were no items of urgent business.

29. Date of Next Meeting: 17 November 2011

(Item 7)

The Committee noted that its next meeting was on 17 November 2011.

From: Peter Sass – Head of Democratic Services

To: Standards Committee – 17 November 2011

Subject: The Localism Bill – proposed changes to the Standards regime

Summary: This report provides an update on the proposals in the Localism Bill in relation to the future of the ethical standards regime in local authorities and is the basis for further consultation with Group Leaders as KCC develops its approach to the expected new regime.

Unrestricted

Introduction

1. At its meeting on 5 October 2011, the Standards Committee requested the Head of Democratic Services to invite the three Group Leaders to the next meeting of the Committee on 17 November 2011 to enable a discussion to take place on a number of options for the future of the ethical standards regime at Kent County Council.

The existing position

2. The Committee is reminded that all councils are currently required to establish a Standards Committee, which includes independent representatives. Kent County Council's Standards Committee is comprised of three elected and three independent Members. Its role is to ensure that a national code of conduct, which sets out standards of behaviour for councillors, is appropriately applied and any complaints from the public or other persons are assessed and, if appropriate, investigated. The Committee has the power to apply certain sanctions for breaches of the Code of Conduct, which include the power to suspend or disqualify the Councillor.

3. Under existing legislation, all elected Members must register their interests (e.g. nature of employment, land and property holdings) within 28 days of being elected. Members can participate at meetings if they have an interest in a particular matter, but may not be able to vote if there is a potential or perceived conflict between their interest and the item under discussion.

The Government's proposals

4. Under the original proposals contained in the Localism Bill, the Standards Board would be disbanded and councils would have been free, should they choose, to disband their Standards Committee and do away with the Code of Conduct or establish voluntary standards committees to consider complaints about the conduct of councillors. Such committees would, subject to councils' local constitutions, be able to censure but not be able to suspend or disqualify members from council membership. In addition, if a voluntary standards committee contained independent members, they could only act in an advisory capacity.

5. In relation to the registration and declaration of interests, the Bill provided that Members be required to continue to register and declare their interests and would not be allowed to use their position improperly for personal gain. The Government intended that wilful failure to comply with these requirements would constitute a criminal offence.

6. The Standards Committee has considered the key provisions in the Localism Bill in previous meetings and has discussed the advantages and disadvantages of a number of options, as follows:

- (i) To maintain both a voluntary Code of Conduct for all elected and co-opted Members, together with a Standards Committee to monitor compliance with the Code and assess and investigate alleged breaches of the Code, with the Committee to have independent representation (i.e. to maintain the current system), albeit that the independent Members would only be able to serve in an advisory capacity and the sanctions available to the Committee for breaches of the Code would be limited;
- (ii) To dispense with a Code and disband the Standards Committee altogether, as originally provided for in the Localism Bill, albeit noting that the Bill would impose on local authorities a “duty to promote and maintain high standards of conduct” and that the Government intended to introduce a new offence relating to the wilful failure to comply with the requirement to register interests. Political group discipline and existing mechanisms at KCC, such as Members’ Annual Reports and Member Development and training, would perhaps be sufficient to comply with the new duty and ensure that all Members remain focused on serving the people of Kent to the standards expected of elected representatives;
- (iii) A hybrid option involving the adoption of a voluntary Code of Conduct, but with authority for monitoring compliance with the Code and assessing/investigating complaints about breaches of the Code being split between the Council’s Monitoring Officer (for low level complaints) and another Committee of the Council, either with or without independent representation, with any sanctions being determined by the Committee or the full Council

Recent Developments

7. The Localism Bill received its third reading in the House of Lords on 27 October 2011. As previously promised, the Government’s Spokesman proposed amendments to the Standards section of the Bill to require all local authorities to adopt a Code of Conduct based on the seven Nolan principles of public life and to include provisions on the registration and disclosure of pecuniary and other interests. The amendments also included a provision that local authorities must appoint at least one “independent person” whose views must be sought and taken into account before the authority comes to a decision following an investigation that a Member has breached the Code. These amendments were accepted by the House of Lords. It would seem, therefore, that with the

exception of the abolition of the Standards Board and the sanctions available to local authorities in relation to breaches of the Code, the existing regime and system will remain almost intact.

8. Accordingly, the Committee is invited to discuss the proposed way forward with Group Leaders in the light of the impact of the recent developments outlined above.

Recommendation:

The Standards Committee is invited to discuss the way in which Kent County Council intends to respond to the proposed changes to the standards regime, as currently detailed in the Localism Bill and the Government's tabled amendments to the Bill, outlined in paragraph 7 above.

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By: Geoff Wild – Director of Governance and Law
To: Standards Committee – 17 November 2011
Subject: BRIBERY ACT POLICY
Classification: Unrestricted

Summary: This report invites the Standards Committee to comment on the draft Bribery Act Policy and agree to reference to it being made in the Code of Conduct for Members and also to note that the policy itself will be reviewed by the Governance and Audit Committee and Selection and Member Services Committee prior to being recommended to the County Council for formal adoption into the Council's Constitution.

FOR DECISION

Introduction and Background

1. The Bribery Act 2010 came into force on 1 July 2011. The Act modernises the law on bribery. The Act represents a significant change from the current law and places obligations on the Council to ensure that it has adequate procedures in place. The Council's Governance and Audit Committee has been provided with a full briefing on the proposed policy at a previous meeting and will consider the proposed policy at its meeting on 29 November 2011.

Bribery Act Policy

2. The proposed Bribery Act Policy (attached as **Appendix 1**) has been prepared to ensure the Council complies with the Act. The policy explains the process through which the Council intends to maintain its high standards and protect its employees, Members and business partners against any allegations of bribery and corruption.

Amendments to the Code of Conduct for Members

3. With the introduction of the Bribery Act 2010 and the associated policy, it is appropriate that the Code of Conduct for Members be amended. The changes suggested are minor and reflect the need for Members to adhere to the Council's policy. The proposed amendment to paragraph 6 of the Code of Conduct for Members is shown in bold and underlined text at **Appendix 2**.

Recommendations

4. The Standards Committee is invited to make comments on the draft Bribery Act Policy and to agree to reference being made to it in the Code of Conduct for Members, as detailed in **Appendix 2**, once the Policy has been formally adopted by the County Council.

Peter Sass
Head of Democratic Services

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KENT COUNTY COUNCIL

BRIBERY ACT POLICY

As approved by:

Standards Committee – 17 November 2011

Selection & Member Services Committee – To be confirmed

County Council – 15 December 2011

Introduction

1. This policy is introduced to ensure compliance with the Bribery Act 2010. It explains the process through which the Council intends to maintain high standards and to protect the organisation, employees, Members and business partners against allegations of bribery and corruption.
2. It is the Council's policy to conduct business in an honest and open way, and without the use of corrupt practices or acts of bribery to obtain an unfair advantage. The Council attaches the utmost importance to this policy and will apply a "zero tolerance" approach to acts of bribery and corruption by any of its Members, employees, or persons and partners acting on our behalf. Any breach of this policy will be regarded as a serious matter and is likely to result in disciplinary action and possibly criminal prosecution.

Policy Statement

3. Bribery is a criminal offence. The Council will not pay bribes, or offer improper inducements to anyone for any purpose, nor will the Council accept bribes or improper inducements. The use of a third party to channel bribes is also a criminal offence. The Council will not engage indirectly in or otherwise encourage bribery.
4. The Council is committed to ensuring compliance with the highest legal and ethical standards. The Council will commit to policies and procedures to prevent, deter, and detect acts of bribery. The Council will ensure that anti-bribery compliance is an essential aspect of its governance process and at the core of its business principles. It is an on-going process and not a one-off exercise.

Objective

5. This policy presents a clear and precise framework to understand and implement the arrangements required to comply with the Bribery Act 2010. It provides the context for the detailed rules, procedures and controls in place. It should provide no room for misinterpretation and will ensure that Members, employees, volunteers and business partners know what is expected of them in preventing bribery.
6. This policy should be read in conjunction with, and reinforce, other related policies and documents (see paragraph 27). The provisions in these policies and documents should be reflected in every aspect of the way the Council operates. The requirement to act honestly and with integrity at all times is made clear and is fundamental and non-negotiable.
7. This policy explains the procedures established to prevent acts of bribery and allow any breach to be identified and reported.

Scope

8. This policy applies to all of the Council's activities. The Council requires that all Members (including independent and co-opted Members), employees at all levels and grades, temporary and agency staff, volunteers, contractors, agents, consultants and partners acting on the Council's behalf, comply with the provisions of this policy. The Council will also seek to promote the adoption of reciprocal anti-bribery and corruption measures that are consistent with the Council's policy by joint venture partners and major suppliers.
9. The responsibility to mitigate the risk of bribery resides at all levels of the Council and includes all directorates. It does not rely solely on the Council's assurance functions.

Policy Commitment

10. The Council commits to:
 - setting out a clear anti-bribery policy and keeping this up-to-date with regular reviews
 - making all Members, employees and partners aware of their responsibilities to adhere to this policy at all times
 - providing training, where appropriate, to allow Members, employees and partners to recognise and avoid the use of bribery by themselves or others
 - encouraging Members, employees and partners to be vigilant and to report any suspicions of bribery
 - providing suitable channels of communication (e.g. Whistleblowing Procedure) to ensure that sensitive information is handled appropriately
 - investigating instances of alleged bribery and assisting the police and other authorities in any prosecution
 - taking action against anybody acting for or on behalf of the Council who is involved in bribery
 - reporting breaches and suspected breaches of this policy to Members, employees and partners in an open and transparent way and
 - including appropriate clauses in contracts with suppliers to advise on the Council's approach to the provisions of the Bribery Act 2010

The Bribery Act 2010

11. The Bribery Act 2010 was introduced to update and enhance English law on bribery. It creates a strict liability corporate criminal offence of failing to prevent bribery. The only defence against this corporate offence is for organisations to have adequate procedures in place to prevent bribery.

12. The Act includes four offences:

- Bribing a person to induce or reward them to perform a relevant function improperly
- Requesting, accepting or receiving a bribe as a reward for performing a relevant function improperly
- Using a bribe to influence a foreign official to gain a business advantage and
- In relation to a commercial organisation committing bribery to gain or retain a business advantage, there being no adequate procedures in place to prevent such actions

13. Acts of bribery are intended to influence an individual or organisation in the performance of their duty and for them to act illegally.

14. The penalties under the Bribery Act have been raised significantly and are severe. The new corporate offence is punishable with an unlimited fine. An individual guilty of an offence may be liable to imprisonment for up to 10 years or to a fine, or to both.

15. The Council accepts that public bodies may be classed as a “commercial organisation” in relation to the corporate offence of failing to prevent bribery. In any event, it represents good governance and practice to have adequate procedures in place to protect the Council, Members, employees and partners from reputational and legal damage. It is in the interests of everybody connected to the Council to act with propriety at all times.

Council Procedures on the Bribery Act

14. The Council will follow the guidance issued by the Ministry of Justice. The actions are intended to be proportionate to the risks faced by the Council and to the nature, scale and complexity of the Council’s activities. The actions are expected to provide a defence of “adequate procedures” against any corporate offence. The following steps will be taken:

- **Top Level Commitment** – The Corporate Management Team is committed to preventing bribery by persons associated with the Council. A report on the Bribery Act 2010 and the introduction of this policy has been approved by the Corporate Management Team (on 23 August 2011) and the Governance and Audit Committee (on 14 September 2011).
- **Risk Assessment** – The nature and extent of the Council’s exposure to external and internal risks of bribery will be assessed as part of the Council’s risk management process. Any risk assessment is intended to be an on-going process based on regular communication and review.
- **Due Diligence** – A proportionate and risk based approach will be taken in respect of persons and other organisations that perform services for or on behalf of the Council. Due diligence will include an evaluation of the

background, experience and reputation of business partners. The transactions will be properly monitored and written agreements and contracts will provide references to the Bribery Act 2010 and this policy. Reciprocal arrangements may be required for business partners to have their own policies in place. They will be advised of the Council's policy and be expected to operate at all times in accordance with such policy.

- **Communication** – The Council will ensure that this policy and other related policies and procedures are embedded in the Council's working arrangements through appropriate communication, including training, which is proportionate to the risks the Council faces. The Council's induction programme will include reference to the Bribery Act 2010 and this policy.
- **Monitoring and Review** – This policy, control arrangements, risk management processes and other related policies and procedures designed to prevent bribery and corruption will be monitored, reviewed and improved where necessary on a regular basis. All incidents of bribery or suspected bribery will be reported to the Governance and Audit Committee. An assurance of compliance will be included in the Annual Governance Statement.

15. In the context of this policy it is unacceptable for persons acting for or on behalf of the Council to:

- Give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given
- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to facilitate or expedite a routine procedure
- accept payment from a third party that is known to be, or suspected to have been, offered with the expectation that it will obtain a business advantage for them
- accept a gift or hospitality from a third party if it is known to be, or suspected to have been, offered with an expectation that a business advantage will be provided by the Council in return
- retaliate against or threaten a person who has refused to commit an act of bribery or who has raised concerns under this policy and
- engage in any activity in breach of this policy

Gifts and Hospitality

16. This policy is not intended to change the requirements of the Council's Gifts and Hospitality policies and procedures. This is contained in the Kent Code and in the Members Code of Conduct in the Council's Constitution.

17. The guidelines clearly set out the restrictions on accepting gifts and hospitality, the need to inform the manager and the need to register any approved gifts that are retained.
18. If there is any doubt about whether an invitation or gift should be accepted then the offer should be refused. Each Corporate Director is required to review their respective Gifts and Hospitality registers at least annually. The Corporate Director of Finance and Procurement will ensure that reminders on this subject and the need for officers to complete a Register of Interests form are sent out every year.
19. The procedures for Members' registers of interest are set out in the Members' Code of Conduct.

Public Contracts

20. Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK) a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. It is understood that there are no plans to amend the 2006 regulations for these to include the crime of failure to prevent bribery. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. The Council will use its discretion as to whether to exclude organisations convicted of this offence and any instances where this is the case will be reported to the Corporate Management Team for a decision.

Member, staff and partner Responsibilities

21. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Council or acting for or on its behalf. All Members, staff, volunteers and partners are required to avoid activity that breaches this policy. Adherence to the policy is mandatory.
22. Members, staff, volunteers and partners must:
 - Ensure that they have read, understood and comply with the Bribery Act Policy and
 - raise concerns as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future
23. In addition to the possibility of criminal prosecution, members of staff who breach the policy will face disciplinary action, which could result in dismissal for gross misconduct.

Raising a concern

24. Staff are encouraged to raise any concerns with their manager. In addition, the Council has published a Whistleblowing Procedure. This provides information on the courses of action available to report serious concerns

(including bribery) in confidence. Members, staff or partners who refuse to accept the offer of a bribe may worry about the repercussions. The Council aims to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.

25. The Council is committed to ensuring that nobody suffers detrimental treatment through refusing to take part in bribery.

Review of the Bribery Act Policy

26. It is the responsibility of the Corporate Director of Finance and Procurement to routinely refresh, review and reinforce this policy and its underlying principles and guidelines. All members of staff are responsible for reading and understanding this policy which will also form part of the induction programme.

Other relevant policies

27. The following policies, procedure documents and codes of conduct should be read in conjunction with the Bribery Act Policy:

- Constitution
- Anti-Fraud and Corruption Policy
- Anti-Money Laundering Policy
- Whistleblowing Procedure
- Kent Code
- Disciplinary Procedure
- Members Code of Conduct
- Spending the Council's Money

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KENT COUNTY COUNCIL
CODE OF MEMBER CONDUCT
(Adopted by the Council, 21 June 2007)

General provisions

Introduction and interpretation

1. —(1) This Code applies to **you** as a member of the County Council.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State (attached as an Appendix).
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
- "meeting" means any meeting of—
- (a) the County Council;
 - (b) the executive (Cabinet) of the County Council;
 - (c) any of the County Council's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

Scope

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
- (a) conduct the business of the County Council (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 the County Council,
- and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

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

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

- (a) do anything which may cause the County Council 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
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the County Council.

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 County Council; 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 the County Council 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 or any other person, an advantage or disadvantage; and

(2) must, when using or authorising the use by others of the resources of the County Council—

- (a) act in accordance with the County Council's reasonable requirements;
- (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(3) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

(4) must have regard to the Council's Bribery Act Policy, which applies to you, officers and any other person or organisation with whom you are dealing

7. —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by the County Council's —

- (a) chief finance officer; or
- (b) monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the County Council.

Part 2

Interests

Personal interests

8. —(1) You have a personal interest in any business of the County Council 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 the County Council;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (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 the County Council's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between the County Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in the County Council's area in which you have a beneficial interest;

- (x) any land where the landlord is the County Council 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 County Council's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division 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
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. —(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of the County Council and you attend a meeting of the County Council 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 the County Council which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the County Council 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 the County Council's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of the County Council and you have made an executive decision (ie as a Cabinet Member) 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.

Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of the County Council 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 County Council where that business—

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of the County Council in respect of—
 - (i) 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;
 - (ii) 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;
 - (iii) an allowance, payment or indemnity given to members;
 - (iv) any ceremonial honour given to members; and
 - (v) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of the County Council (or of a sub-committee of such a committee) where—

- (1) that business relates to a decision made (whether implemented or not) or action taken by the County Council's executive or another of the County Council's committees, sub-committees, joint committees or joint sub-committees; and
- (2) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. —(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of the County Council—

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from the County Council's standards committee;
- (b) you must not exercise executive functions in relation to that business; and
- (c) you must not seek improperly to influence a decision about that business.

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

Part 3

Registration of Members' Interests

Registration of members' interests

13. —(1) Subject to paragraph 14, you must, within 28 days of—

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

register in the County Council'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 the County Council'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 the County Council's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and the County Council's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify the County Council's monitoring officer asking that the information be included in the County Council'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.

The General Principles Governing the Conduct of Members

(The Relevant Authorities (General Principles) Order 2001)

Selflessness

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

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 occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions 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.

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By: Peter Sass - Head of Democratic Services
To: Standards Committee – 17 November 2011
Subject: Standards Committee Work Programme and future meeting dates

Summary: To consider the Committee's forward work programme.

Unrestricted

Background

1. At the Committee's meeting on 25 November, 2008, it was agreed that the Head of Democratic Services would formulate a work programme for the Committee's consideration and also, in consultation with the Chairman, agree a series of future meeting dates, so that all Members can ensure they are available to attend Committee meetings.

2. Accordingly, attached at **Appendix 1** is a suggested work programme based on relevant aspects of the Committee's work in previous years, together with the conclusions reached at a previous meeting about the Committee's future role.

Recommendation:

3. The Committee is invited to consider and agree the Committee's future work programme and proposed meeting dates (Appendix 1)

Peter Sass – Head of Democratic Services

9 November 2011

Standards Committee Work Programme – 2011/12

Meeting	Item	Source (*Standard item unless stated)
17 November 2011	The Localism Bill – proposed changes to the Standards regime	
	Bribery Act Policy	
	Work Programme and Future Meeting dates	
7 March 2012	The Localism Bill – proposed changes to the Standards regime	
	Work Programme and Future Meeting dates	
22 May 2012	The Standards Committee’s Annual report to the County Council	
	Members’ Annual Reports	
	Work Programme and Future Meeting dates	
10 July 2012	Annual Meeting with Group Leaders	
	Work Programme and Future Meeting dates	
13 November 2012	Work Programme and Future Meeting dates	