

Date: 25<sup>th</sup> November 2015

Dear Sir/Madam,

STANDARDS COMMITTEE – THURSDAY 3<sup>RD</sup> DECEMBER 2015

Notice is hereby given that a meeting of the Standards Committee of Newark and Sherwood District Council is to be held on Thursday 3<sup>rd</sup> December 2015 at **10.00 am** in Room G23, Kelham Hall, Newark.

Yours faithfully



Kirstin H Cole  
Deputy Chief Executive and Monitoring Officer

**AGENDA**

	Pages
1. Apologies for Absence	
2. Declaration of Members' Interests	
3. Declaration of any intentions to record the meeting	
4. Minutes of the meeting held on 16 <sup>th</sup> September 2015	3 - 6
5. Standards Committee Progress Report 17 <sup>th</sup> September 2015 to date	7 - 8
6. Register of Members' Interests – District and Parishes	9 - 13

7.	General Dispensation	14 - 26
8.	Code of Conduct Complaints –	27

CONFIDENTIAL AND EXEMPT ITEMS

None.

DATE OF NEXT MEETING

The next scheduled meeting of the Committee is to take place on Wednesday, 16th March 2016 at 10am.

## **NEWARK AND SHERWOOD DISTRICT COUNCIL**

Minutes of the meeting of the **STANDARDS COMMITTEE** of Newark & Sherwood District Council held in Room G21, Kelham Hall, Newark on Wednesday 16<sup>th</sup> September 2015 at 2.30pm.

PRESENT: District Councillors: M. Buttery, N. Mison, Mrs P. Rainbow,  
Mrs S.E. Saddington and B. Wells

Parish Councillor: P. Morris

Co-opted

Independent Person: Mrs P. White

Independent Person: Mrs S. Jones

### 01. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Independent Person - Mr R. Dix.

### 02. DECLARATION OF INTERESTS BY MEMBERS AND OFFICERS

There were none.

### 03. DECLARATIONS OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting.

### 04. MINUTES

AGREED that the Minutes of the meeting held on 11<sup>th</sup> March 2014 be approved as a correct record and signed by the Chairman.

### 05. STANDARDS COMMITTEE PROGRESS REPORT 1<sup>ST</sup> MARCH 2015 TO DATE

The Committee considered the progress report from 1<sup>st</sup> March 2015 to date. Further to the Standards training included on the report, the Committee was informed of the Annual Parish Council scheduled for 5<sup>th</sup> October 2015, which would hold a workshop relating to Parish Council Governance, including frequently asked questions by parish clerks to the Council's Democratic Services Business Unit.

AGREED that the progress report be noted.

### 06. ANNUAL REPORT FOR THE PERIOD 1<sup>ST</sup> APRIL 2014 TO 31<sup>ST</sup> MARCH 2015

The Committee considered the report of the Deputy Chief Executive and Monitoring Officer which included an introduction by Councillor Mrs S.E. Saddington, the Chairman of the Committee for the period 1<sup>st</sup> April 2014 to 31<sup>st</sup> March 2015.

AGREED that the report be noted.

07. REGISTER OF MEMBERS' INTERESTS – DISTRICT AND PARISHES

The Committee considered the report of the Deputy Chief Executive and Monitoring Officer which informed the Committee of the number of Register of Members' Interests forms which had been received for the District and Parish Councillors. All 39 forms from District Councillors had been received and were held on file in the Democratic Services Office and on the Council's website. There were currently 88 forms outstanding from Parish Councillors, out of a total of 441 Parish Councillors. Members were informed that Officers had contacted all Parish Clerks where forms were outstanding to remind Members that the forms needed to be completed and returned to the District Council.

Members raised concern regarding the number of register of members' interest forms to date still outstanding from Parish Councils and resolved that a firmer letter be sent to all the Parish Clerks where interest forms had not been received, the letter to be sent on behalf of the Standards Committee and signed by the Standards Committee Chairman.

AGREED (unanimously) that:

- (a) the current position with regards to the Register of Members' Interests forms be noted; and
- (b) a firmer letter be sent to all the Parish Clerks where interest forms had not been received, the letter to be sent on behalf of the Standards Committee and signed by the Standards Committee Chairman.

08. GENERAL DISPENSATION

The Committee considered the report of the Deputy Chief Executive and Monitoring Officer which advised Members of the request for a general dispensation for Members of the Council.

Members raised concern regarding granting the general dispensation as presented in the report as they felt that it was too open to interpretation and ambiguous and that without further guidance it was easy for an error of judgement to be made by Councillors in what could be a difficult and contentious area. It was suggested that a further report providing guidance notes and further examples of what would and would not be included by the general dispensation, be presented to the next meeting of the Committee, with the aim of the guidance notes being distributed to all Members of the Council. It was commented that given the need for the general dispensation for the Council tax setting in March 2016, an additional meeting of the Standards Committee be arranged for the end of the year to consider this item.

The Director – Safety and Deputy Monitoring Officer provided examples of where Members would not be included by the general dispensation.

AGREED (unanimously) that the report be deferred and presented to an additional meeting of the Standards Committee to be held at the end of the year. The report to provide guidance notes on further examples of what would and would not be included by the general dispensation, with the aim the guidance notes being distributed to all Members of the Council.

#### 09. CODE OF CONDUCT COMPLAINTS

The Committee considered the report of the Deputy Chief Executive and Monitoring Officer, which advised the Committee of two complaints received since the last meeting of the Standards Committee.

The first complaint related to a particular word put in a question to Council by a District Councillor which described the actions of District Council Officers and which the complainants considered suggested wrong doing on the part of those officers. In consultation with the Independent Person it was decided that the complaint warranted formal investigation. However after a discussion with the Councillor concerned, an offer was made by him and a public statement was issued by the Chief Executive on behalf of the Councillor concerned, at the Council meeting on 14<sup>th</sup> April 2015, withdrawing the use of the word to which the objection had been made, offering an apology for any offence caused and making it clear the Councillor concerned had not intended to suggest any impropriety on the part of the officers. In consultation with the Independent Person, it was considered that this constituted a satisfactory resolution of the matter.

The second complaint was regarding the conduct of a Councillor who was a member of both Clipstone Parish Council and Newark and Sherwood District Council in respect of a planning application for the change of use of 'scrub land' to garden land at Clipstone. The complaint was that the Councillor spoke at the Planning Committee without declaring an interest; that she spoke as a representative of Clipstone Parish Council but there was no minute of the parish council authorising her to speak on their behalf. The complainant was advised that it was for the member concerned to determine whether she had a non disclosable pecuniary interest or a personal interest in the matter but even if she had determined that she had such an interest it did not prevent her from speaking or voting. The complainants were also advised that in fact she addressed the Planning Committee as the local ward member in accordance with paragraph 11.8 of the planning protocol. In that capacity she was entitled to express her personal views which did not necessarily need to reflect the views of the Parish Council. One of the complainants also complained that they had been given no right to speak at the Planning Committee. They were advised that applicants and objectors to planning applications had no right to speak at the Planning Committee. There was also a further complaint that a Member of the Planning Committee spoke to the Councillor concerned and a representative of Clipstone Allotment Society prior to the meeting and should not therefore have participated in the determination of the planning application as they clearly knew those parties. The complainants were advised that the fact that the Councillor concerned may have been acquainted with the parties did not constitute either a disclosable pecuniary interest a non disclosable pecuniary interest or a personal interest and did not prevent her from speaking and voting.

The Director – Safety and Deputy Monitoring Officer provided the Committee with a verbal update of two further complaints that had been received subsequent to the printing of the agenda. Both complaints related to the same Parish Councillor and had been referred to the Independent Person who had agreed in consultation with the Monitoring Officer that both complaints warranted investigation.

Members asked whether training would be provided regarding Standards Hearings given the number of new Members on the Standards Committee. It was confirmed that training could be provided at the end of the additional Standards Committee meeting to be held at the end of the year.

AGREED that:

- (a) the report be noted; and
- (b) a short training session on conducting Standards Hearings be included at the additional Standards Committee to be held at the end of the year.

The meeting closed at 3.15 pm.

Chairman

**STANDARDS COMMITTEE PROGRESS REPORT 17<sup>TH</sup> SEPTEMBER 2015 TO DATE**

**1. Local Assessment of Complaints**

There has been 1 complaint received during this period.

**2. Dispensation Requests**

There has been one request for dispensations received for the period 1st March 2015 to date. The dispensation request was deferred at the last meeting of the Committee for further information. The details regarding the dispensation are as follows:

- 16<sup>th</sup> September 2015 and 3<sup>rd</sup> December 2015:

That a general dispensation be given to all Members of Newark & Sherwood District Council for a period of 4 years from the date of this decision. For the avoidance of doubt the blanket dispensation would include:

- i Housing where the member is a tenant of the Council provided that the functions do not relate particularly to the member's tenancy or lease.
  - ii Setting the Council Tax under the Local Government Finance Act 1992 where the member holds property interests within the district (including owning or renting a home within the district).
- The above is not intended to be an exclusive list but to give examples of what matters will expressly be covered by the dispensation.

**3. Annual Report**

The annual report for 2014/15 was included on the 16<sup>th</sup> September 2015 Standards Committee Agenda.

**4. Promotion of the role and work of the Standards Committee**

The Standards Committee continues to take a proactive role in promoting training and awareness on the code of conduct and ethical behaviours to elected members and to town and parish councillors.

**5. Standards Training**

Training on Standards and probity was included in the induction programme following the May 2015 elections. The training was extended to town and parish councillors.

Members of the Standards Committee will receive training on conducting hearings at their meeting on 3<sup>rd</sup> December 2015.

**6. Review of Register of Interests**

Reports are received by the Standards Committee on a six monthly basis and a report is included on the Standards Committee Agenda.

**REGISTER OF MEMBERS' INTERESTS – DISTRICT AND PARISHES**

**1.0 Purpose of Report**

- 1.1 To inform Members of the Committee of the current position with regard to the number of Register of Members' Interests forms received for District and Parish Councillors.

**2.0 Background**

- 2.1 Further to the changes introduced by the Localism Act 2011 regarding the Standards Regime, all Councillors are requested to complete the updated register of Members Interest, which is notification of interests pursuant to Section 29(1) of the Localism Act 2011.
- 2.2 There are currently 39 District Councillors representing 21 District Wards.
- 2.3 Currently there are 53 Parish and Town Councils. These are represented by 441 Parish Councillors.

**3.0 Register of Members' Interests – Current Position**

- 3.1 All 39 District Councillors have completed their interest forms. The forms received to date are kept on file in the Democratic Services Office and on the Council's website.
- 3.2 Attached as Appendix A is a table detailing the current position with regard to the Parish Councils e.g. number of seats, forms outstanding, forms on the Council's website and vacancies.

**4.0 RECOMMENDATION**

**That Members note the current position with regards to the Register of Members' Interests forms.**

**Background Papers**

Nil.

For further information, please contact Catharine Saxton on 01636 655247.

K.H. Cole  
Deputy Chief Executive and Monitoring Officer

**REGISTER OF MEMBERS' INTERESTS**  
**PARISH COUNCILS**  
**16<sup>TH</sup> SEPTEMBER 2015**

<b>Parish Council</b>	<b>No. of Seats</b>	<b>Forms Received</b>	<b>Forms Outstanding</b>	<b>No. of Vacancies</b>	<b>Comments</b>
Averham, Kelham & Staythorpe					Forms on website
▪ Averham	4	4	0	0	
▪ Kelham	4	3	0	1	
▪ Staythorpe	2	2	0	0	
Balderton					Forms on website
▪ North	8	8	0	0	
▪ West	7	7	0	0	
Barnby-in-the-Willows	7	7	0	0	Forms on Website
Bathley	7	7	0	0	Forms on website
Bilsthorpe	11	10	0	1	Forms on website
Bleasby	7	6	1	0	
Blidworth					Forms on website
▪ North	5	5	0	0	
▪ South	6	6	0	0	
Bulcote	5	5	0	0	Forms on Website
Carlton-on-Trent	7	7	0	0	Forms on website
Caunton	7	7	0	0	Forms on website
Caythorpe	5	5	0	0	Forms on website
Clipstone					Forms on website
▪ Clipstone Village	6	6	0	0	
▪ Cavendish	3	3	0	0	
Kings Clipstone	7	7	0	0	Forms on website
Coddington	10	10	0	0	Forms on website
Collingham	10	9	0	1	Forms on website

Eakring	7	7	0	0	Forms on website
East Stoke with Thorpe					
▪ East Stoke	5	3	2	0	
▪ Thorpe	2	0	2	0	
Edingley	7	7	0	0	Forms on website
Edwinstowe	11	11	0	0	Forms on website
Elston	7	6	1	0	Forms of website
Epperstone	7	7	0	0	Forms on website
Farndon	9	5	1	3	
Farnsfield	11	11	0	0	
Fernwood	7	7	0	0	Forms on website
Fiskerton-cum-Morton	7	7	0	0	
Gunthorpe	7	7	0	0	Forms on website
Halam	7	7	0	0	
Harby	7	7	0	0	Forms on website
Hawton	5	5	0	0	Forms on website
Hoveringham	7	7	0	0	Forms on website
Kirklington	7	7	0	0	Forms on website
Kirton	7	7	0	0	
Kneesall, Kersall & Ompton					Forms on website
▪ Kneesall	5	5	0	0	
▪ Kersall	2	2	0	0	
▪ Ompton	2	1	0	1	
Laxton & Moorhouse	7	7	0	0	Forms on website
Lowdham	11	11	0	0	Forms on website

Newark					Forms on website
▪ Beacon	6	6	0	0	
▪ Bridge	4	4	0	0	
▪ Castle	2	2	0	0	
▪ Devon	6	6	0	0	
North Muskham	7	7	0	0	Forms on website
Norwell	7	7	0	0	Forms on website
Ollerton & Boughton					
▪ Boughton	2	2	0	0	
▪ Ollerton North	8	8	0	0	
▪ Ollerton South	5	5	0	0	Forms on website
Oxton	7	7	0	0	Forms on website
Rainworth					
▪ North	9	9	0	0	
▪ South	3	3	0	0	Forms on website
Rolleston	7	7	0	0	Forms on website
Rufford					
• Forest Ward	6	5	1	0	
• Mickledale Ward	1	1	0	0	
South Clifton	7	5	0	2	Forms on website
South Muskham	7	5	2	0	Forms on website
Southwell					Forms on website
• East	5	5	0	0	
• North	5	5	0	0	
• West	5	5	0	0	
Sutton-on-Trent	11	11	0	0	Forms on website
Thorney	5	5	0	0	Forms on website
Thurgarton	7	4	1	2	
Upton	7	7	0	0	Forms on website
Walesby	7	6	0	1	Forms on website
Wellow	7	7	0	0	Forms on website

Weston	7	7	0	0	
Winthorpe & Langford					Forms on website
▪ Winthorpe	7	4	0	3	
▪ Langford	2	2	0	0	

**GENERAL DISPENSATION**

**1.0 Background information**

1.1 At their meeting on 16 September 2015 members of the Standards Committee considered a report recommending that all members of Newark & Sherwood District Council be given a blanket dispensation for up to 4 years (until May 2019) to cover the following scenarios:-

1.1.1 Any discussion relating to housing where the Member is a tenant of the Council provided that the functions do not relate to the Member's only tenancy or lease

1.1.2 Setting the Council Tax under the Local Government Finance Act 1992 where the Member holds property interest within the district (including owning or renting a home within the district) and otherwise

1.1.3 Where the interest is so remote or trivial as to not influence their judgement of the public interest

1.2 Members sought guidance on what interests might be covered by 1.1.3 above

**2.0 Introduction**

2.1 The Department for Communities and Local Government has issued guidance on personal interests. This guidance was last revised and updated in September 2013 and included as Appendix A. The guidance clarifies that a Member does not need a dispensation to take part in the business of setting council tax or a precept. The guidance states as follows:-

“If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual”.

2.2 It could be argued therefore that the dispensation referred to in 1.1.2 above was not strictly necessary given the wording in the guidance.

2.3 The recommendation was put forward to members as a belt and braces measure in the event that it was argued that such interests were technically caught by the legislation notwithstanding what is set out in the accompanying guidance.

2.4 Unfortunately, however the guidance does not go on to deal with the further issue of interests which might technically be caught by the definition of a disclosable pecuniary interest within the relevant regulations but are nonetheless remote or trivial. Under the

old regime such interests did not need to be declared but there is no corresponding provision under the new legislation and regulations. It is therefore possible that remote and trivial interests could technically be caught. This could have serious consequences since failure to declare a disclosable pecuniary interest constitutes a criminal offence.

- 2.5 It is however difficult to issue prescriptive guidance on what might or might not be considered remote or trivial. This will be a matter of fact and degree in each case.
- 2.6 If Members are reluctant to offer a general dispensation in such circumstances, it is suggested that instead Members should seek advice in each case from the Monitoring Officer, Deputy Monitoring Officer or a member of the Democratic Services Team.
- 2.7 When in doubt Members should always err on the side of caution.
- 2.8 Members should also bear in mind that there may be circumstances where they have neither a disclosable pecuniary interest or personal interest but should still not take part in discussion or voting if there is a possibility that they may be biased.
- 2.9 There has been a recent case where a Member was found to be biased and the decision of the Council was set aside where they did not have a disclosable pecuniary interest or personal interest. In this case the Member concerned was the director of a housing association. The case concerned an application for planning permission and the housing association concerned was not the applicant but there was a strong possibility that they would be selected to provide affordable housing on site. The court held that the Member was consequently biased and the Council's decision was set aside.

### **3.0 RECOMMENDATION**

**That where a Member has a disclosable pecuniary interest as defined by the Relevant Authorities (Disclosable Pecuniary Interest Regulations) 2012 but they consider that interest to be so remote or trivial that they should be able to participate in discussion and voting, advice be sought from the Monitoring Officer, Deputy Monitoring Officer or a member of the Democratic Services Team on whether the Member should participate. In general Members should be advised to err on the side of caution but, in exercising their discretion, should consider whether the matter under discussion materially affects their relevant interest in reaching a decision as to whether or not to participate.**

For further information please contact Kirsty Cole on Extension 5210.

Kirsty Cole  
Deputy Chief Executive & Monitoring Officer



Department for  
Communities and  
Local Government

# Openness and transparency on personal interests

A guide for councillors

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September 2013

ISBN: 978-1-4098--3604-9

# The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011<sup>1</sup>.

## Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.<sup>2</sup>

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

## Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority
- the Broads Authority

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<sup>1</sup> The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

<sup>2</sup> The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

## How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.<sup>3</sup>

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

## What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

As explained in the following section, your registration of personal interests should be guided by your duty to act in conformity with the seven principles of public life. You should ensure that you register all personal interests that conformity with the seven principles requires. These interests will necessarily include your membership of any Trade Union.

## What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that '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

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<sup>3</sup> <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships.**<sup>4</sup>.

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests – both declarable pecuniary interests, and other interests that must be declared and registered as required by your authority's code, or your duty to act in conformity with the Seven Principles of Public Life, such as your membership of any Trade Union. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose<sup>5</sup> this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

## What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider

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<sup>4</sup> <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

<sup>5</sup> If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

financial interests they might have (for example trust funds, investments, and assets including land and property).

## Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests or your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

## Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

## Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

## Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district of borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

## Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

## When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

## What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

## Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

## Do I need a dispensation to take part in the business of setting council tax or a precept?

Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.

If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

## When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

## What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

## Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

# Annex A

## Description of Disclosable Pecuniary Interests

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.

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

- 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 –
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - 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.

**CODE OF CONDUCT COMPLAINT**

**1.0 Purpose of Report**

- 1.1 To advise members of the Standards Committee of code of conduct complaints received during the period from 17<sup>th</sup> September 2015 to date and the action taken in response to those complaints.

**2.0 Complaint 1 relating to a Member of Edwinstowe Parish Council**

- 2.1 A Code of Conduct complaint was received regarding the behaviour of a member of Edwinstowe Parish Council. In consultation with the Independent Person it was resolved that a letter should be sent to the Councillor concerned requesting that he issue a formal apology to the complainant and give an undertaking to the Standards Committee as to his future behaviour as an elected member.
- 2.2 The Councillor concerned has sent a written apology to the complainant and has sent a copy of that apology to the Council. He has further given the undertaking requested. In those circumstances the investigation has been discontinued, as it is considered that this is a satisfactory resolution to the matter.

**3.0 Complaint 2 relating to the Chairman of the Edwinstowe Allotment Working Party**

- 3.1 A complaint has been received from the President of the Edwinstowe Allotment Association regarding the behaviour of the Chairman of the Allotment Working Party established by the Parish Council.
- 3.2 Members may be aware that the Parish Council took over the direct management of the allotments some 12 months ago and there have been difficulties in relationships between the Allotment Association and the Parish Council.
- 3.3 The complaint relates to the fact that the Parish Council have declined to provide information to the President of the Allotment Association regarding plot holders and waiting lists and generally have not engaged with the Allotment Association in questions and issues relating to the management of the site.
- 3.4 I have explained to the complainant that it is a matter for the Parish Council to determine how it administers its affairs and such matters do not constitute Code of Conduct breaches over which the District Council would have jurisdiction to investigate.

**4.0 RECOMMENDATION**

**That the report be noted.**

For further information please contact Kirsty Cole on Extension 5210.

Kirsty Cole  
Deputy Chief Executive & Monitoring Officer