

STANDARDS COMMITTEE

**Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH**

**Date: Thursday, 27 September
2012**

Time: 2.00 p.m.

A G E N D A

1. Appointment of Chairman.
2. Appointment of Vice-Chairman.
3. Apologies for Absence.
4. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
5. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
6. The Localism Act 2011 and the Standards Regime - Current Position (report herewith) (Pages 1 - 14)
7. Training/Induction (Jacqueline Collins, Director of Legal and Democratic Services, to report)
8. Date and Time of Next Meeting - Thursday, 13th December, 2012 at 2.00 p.m.

1.	Meeting:	Standards Committee
2.	Date:	27 th September 2012
3.	Title:	The Localism Act 2011 and the Standards Regime - Current Position
4.	Directorate:	Resources

5. Summary

Cabinet and Council have previously endorsed the preparation of a revised Code of Conduct, the establishment of a new Standards Committee and other arrangements to support the standards regime introduced by the Localism Act 2011.

This report outlines the arrangements that have been adopted by the Council to ensure the maintenance of high ethical standards.

6. Recommendations

That the Committee:-

1. notes the content of the report, and
2. agrees the composition of a Panel and dates for interviewing for the appointment of the Independent Person.

7. Proposals and Details

Code of Conduct

The Council delegated the revision of the Code to the Monitoring Officer, in consultation with the Leader, Deputy Leader and Leader of the Opposition. The new Code largely reflects the previous Code with revisions to meet the requirements of the Act, in particular in respect of Disclosable Pecuniary Interests. The finalised Code is attached at Appendix 1 and is available on the website.

Standards Committee

Council has approved that the new Standards Committee, which is to be a joint committee, be composed of eight Elected Members, three Parish Council representatives and five Independent Members (who are non-voting members). It should be noted that, to demonstrate the objectivity of the Committee, none of those nominations of Elected Members are of Cabinet Members and that two of the nominations are from the opposition group.

The Council's nominations of elected members are Councillors Beck, Gilding, Gosling, Middleton, Pitchley, P. G. Russell, Sims and Tweed.

The Council approved that the five independent members of the previous Standards Committee shall be independent members of the new Standards Committee. They are Mrs A Bingham, Mr I Daines, Mr P Elder, Mr G Musson and Ms J Porter and they shall serve for a term of four years.

Independent Person

This is a statutory appointee whose role is to support the maintenance of high standards of ethical behaviour. A recruitment exercise in July was not successful and a further exercise is now being undertaken. In the meantime the Independent Person for Doncaster Borough Council (Mr P Beavers) has been approached and indicated his willingness to act as the Independent Person for the Council should any urgent matters arise. The Council approved this arrangement, pending the formal appointment of an Independent Person.

The closing date for the recruitment process is 28th September. Council has agreed that the recruitment should be conducted by the former chair and three former members of the Standards Committee.

The Committee is requested to agree the composition of a Panel and the dates for interviewing the applicants.

Allowances

The following allowances were approved:-

- The Chair of the Committee - £3,500 p.a.
- Vice Chair - £2,500 p.a.
- Independent Members - travel and subsistence, in accordance with the Scheme provided for Co-opted Members.
- Independent Person - £710 p.a., inclusive of travel and subsistence

Parish Councils

To date 16 Parish Councils have indicated that they wish to participate in the Council's Standards Committee. The Yorkshire Local Council's Association is to run the election to select three representatives to sit upon the Committee.

Monitoring Officer

The Monitoring Officer will report to the next meeting on the procedure to consider allegations, whether amendments are required to the Terms of Reference of the Committee and on the outcome of the election of Parish Council representatives.

9. Risks and Uncertainties

The establishment of the new arrangements will meet the requirements of the Act and minimise risk and uncertainty with regard to the ethical standards of elected members.

10. Policy and Performance Agenda Implications

Having a Standards Committee and a Code of Conduct for members supports the objective of being an effective Council and is a component of sound governance.

11. Background Papers and Consultation

None

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ROTHERHAM BOROUGH COUNCIL
CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS

PART 1

General Provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of Rotherham Borough Council (“the Council”).
- (2) It is your responsibility to comply with the provisions of this Code and uphold the seven principles of public life set out in Annex 1 to this Code.
- (3) In this Code –
 - A "meeting of the Council" means any meeting of –
 - (a) the Council;
 - (b) the Cabinet, a committee of the Cabinet or a member of the Cabinet acting under delegated powers;
 - (c) the Council's committees, sub-committees, joint committees, joint sub-committees, or area committees.

A "member" includes a co-opted member who is entitled to vote on any question that falls to be decided at any meeting that falls within paragraphs (a) – (c) above.

Scope

2. (1) Except when you are acting as a representative of the Council when sub-paragraph (2) applies, you must comply with this Code whenever you –
 - (a) conduct the business of the 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 Council.

- (2) Where you act as a representative of the Council –
 - (a) on any of the authorities which are under a duty to have a similar code of conduct to this Code, you must comply with that authority's code of conduct when acting for that authority;
 - (b) on any organisation or body that is not obliged to have a code of conduct, you must comply with this Code except to the extent that this Code conflicts with any other lawful obligations to which that other organisation or 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 Council to breach any of the equality duties;
 - (b) bully any person;
 - (c) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

- 4. You must not –
 - (a) 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 –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) 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
 - (iv) the disclosure is –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; or

- (b) 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 Council into disrepute.
- 6. You –
 - (a) 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
 - (b) must, when using or authorising the use by others of the resources of the Council –
 - (i) act in accordance with the Council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's –
 - (a) chief finance officer (the Strategic Director of Resources); or
 - (b) monitoring officer (the Director of Legal and Democratic Services),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 Council.

PART 2

Interests

Personal interests

8. You have a personal interest in any business of the Council where either 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 Council;
 - (ii) any body –
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes;
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); or
 - (dd) which is a private club or society, such as the Freemasons, a recreational club, working men's club or private investment club,

of which you are a member or in a position of general control or management;
 - (iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25; or
 - (iv) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of you or a member of your family or a close friend or someone with whom you have a close association to a greater extent than it would affect the majority of other council tax payers, ratepayers or inhabitants of your ward or electoral area.

Disclosable pecuniary interests

- 9 (1) You have a “disclosable pecuniary interest” in any business of the Council where it is a pecuniary interest of yours or a pecuniary interest of –

- (a) your spouse or civil partner,
- (b) a person with whom you are living as if husband and wife, or
- (c) a person with whom you are living as if you are civil partners

and you are aware that that other person has the interest and the interest falls within the categories of pecuniary interests classed as disclosable pecuniary interests in regulations made by the Secretary of State from time to time under section 30 (3) of the Localism Act 2011.

- (2) The current disclosable pecuniary interests are listed in Annex 2 to this Code.

Notification of interests

10. You must notify the Council’s monitoring officer of any interest that is classed as a personal interest or a disclosable pecuniary interest –
- (a) within 28 days of becoming a member or co-opted member of the Council;
 - (b) within 28 days of acquiring any interest or becoming aware of any such interest;
 - (c) within 28 days of any change to an interest that you have previously registered; or
 - (d) within 28 days of disclosing an interest at a meeting of the Council

Disclosure of interests

11. (1) Where you have a **personal interest** in any business of the Council and you attend a meeting of the Council at which the business is considered, you need only disclose the existence and nature of that interest to the meeting if –
- (a) the interest is not already entered in your register of interests; or
 - (b) the interest is not one that you have already notified to the monitoring officer.

- (2) Where you have a **disclosable pecuniary interest** in any business of the Council and you attend a meeting of the Council at which the business is considered, unless the interest is a sensitive interest (see sub-paragraph (3)), you must disclose the existence and nature of that interest and, unless you have been granted a dispensation (see sub-paragraph (4)), you must not take part in the discussion or vote on that item and must withdraw from the meeting room, including the public gallery, before the item is considered by the meeting.
- (3) You need not disclose the nature of any **personal interest** or **disclosable pecuniary interest** in an item of business where the Council's monitoring officer considers that disclosure of the details of the interest ("a sensitive interest") could lead to you or a person connected with you being subject to violence or intimidation.
- (4) Sub-paragraph (2), does not apply where the monitoring officer or the Standards Committee, as the case may be, has granted a dispensation to enable you to take part in the discussion of, or vote on that item, or both.

Offences

- 12 You commit an offence if without reasonable excuse –
- (a) you fail to notify the monitoring officer within 28 days of becoming a member of the Council of any disclosable personal interests that you have;
 - (b) you fail to disclose at a meeting of the Council the nature and extent of a disclosable pecuniary interest that you have, and are aware of having, in an item of business that is being considered at the meeting, unless –
 - (i) the interest is a sensitive interest and paragraph 11 (3) applies;
 - (ii) the interest is entered in the Register of Members' Interests maintained by the monitoring officer; or
 - (iii) the monitoring officer has been notified that you have such an interest but the register has not yet been updated ("a pending notification");
 - (c) you fail to notify the monitoring officer of a disclosable pecuniary interest that you have disclosed at a meeting of the Council, or where you are a member of the Cabinet at your delegated powers meeting, as the case may be, within 28 days of the date on which you made the disclosure;

- (d) you participate in any discussion of, or vote on, any item of business at a meeting of the Council in which you have a disclosable pecuniary interest of which you are aware, unless you have been granted a dispensation in accordance with paragraph 11 (4), or
- (e) you have a disclosable pecuniary interest of which you are aware in any item of business to be dealt with, or being dealt with, by you as a member of the Cabinet acting under delegated powers and despite having that interest continue to deal with that item of business, except where such dealing is for the purpose of arranging for the item to be dealt with otherwise than by you.

The Seven Principles of Public Life

Selflessness

1. Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity

2. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

3. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

4. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

5. Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

6. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

7. Holders of public office should promote and support these principles by leadership and example.

DISCLOSABLE PECUNIARY INTERESTS

In accordance with Section 30(3) of the Localism Act 2011 a pecuniary interest is a “disclosable pecuniary interest” in relation to a member, if it is of a description specified below and either

- is an interest of the member, or
- is an interest of:-
 - the member’s spouse or civil partner
 - a person with whom the member is living as husband and wife, or
 - a person with whom the member is living as if they were civil partners,

and the member is aware that the other person has the interest.

However it should be noted that the disclosure of sponsorship is only in relation to the sponsorship of the member and not in relation to a spouse or civil partner.

In the Table below –

“body in which you have a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“relevant period” means the period of 12 months ending with the day on which M gives notification of a disclosable pecuniary interest;

“relevant person” means you (as a member) or your spouse or civil partner; a person with whom you are living as husband and wife; or a person with whom you are living as if you were civil partners;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

DISCLOSABLE PECUNIARY INTERESTS

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Council – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant Council.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer
Corporate tenancies	Any tenancy where (to the member's knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which the relevant person has a beneficial interest
Securities	Any beneficial interest in securities of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

	<p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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