

COUNCIL MEETING

**Venue: Town Hall, Moorgate
Street, Rotherham**

Date: Wednesday, 25 July 2007

Time: 2.00 p.m.

A G E N D A

1. To submit for approval the minutes of the Council Meeting held on 13th June, 2007 - Pages 12A to 18A (Section A)
2. To consider any communication received by the Mayor or the Chief Executive and to pass a resolution or resolutions thereon.
3. To consider any questions from the Public.
4. To receive a report from the Leader and to consider reports, minutes and recommendations of the Cabinet - Pages 1B to 32B (Section B)
5. To receive and consider reports, minutes and recommendations of the Standards Committee - Pages 1C to 5C (Section C)
6. To put questions, if any, to Cabinet Members and Chairmen (or their representatives) under Standing Order No. 7(1) and 7(3).
7. To put questions, if any, to the designated Members on the discharge of functions of the South Yorkshire Police Authority, South Yorkshire Fire and Civil Defence Authority, South Yorkshire Passenger Transport Authority and South Yorkshire Pensions Authority, in accordance with Standing Order No. 7(5).
8. To consider the Code of Conduct for Members - Report of the Assistant Chief Executive (copy herewith) (Pages 1 - 16)
9. Election of a Councillor - Report of the Assistant Chief Executive (copy herewith) (Page 17)
10. To determine any item which the Mayor is of the opinion should be considered as a matter of urgency

T. C. MUMFORD

Assistant Chief Executive (Legal and Democratic Services)

17th July, 2007

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Council
2.	Date:	25th July 2007
3.	Title:	Code of Conduct
4.	Programme Area:	Chief Executive's Directorate

5. Summary

To approve a new Code of Conduct for Members and Co-opted Members.

6. Recommendation

That the Code of Conduct, as appended to this report, be adopted by the Council.

7. Proposals and Details

Following consultation earlier this year the Government has published a revised Code of Conduct for Members. This is included as the schedule to the Local Authorities (Model Code of Conduct) Order 2007. Every local authority must now adopt the revised Code of Conduct (with or without local additions) by resolution of the Council within six months of the date on which it came into force, i.e. on or before 1st October 2007.

Once the Council has adopted the revised Code it must:-

- (a) ensure that copies are available for inspection at the Council's offices,
- (b) publish notice of the adoption of the revised Code in one or more newspapers circulating in their area, and
- (c) send a copy of the Code as adopted to the Standards Board for England.

Although the revised Code follows the same broad structure as the previous Code, it does make significant changes:-

- (a) The revised Code is written in a new style of "you" rather than in the third person.
- (b) Ordinarily the Code will only apply when a Member is conducting the business of the Council or acting (or appearing to act) as a Council representative. It will not apply to events in a Member's private life. The only exception to this relates to a criminal offence for which a Member has been convicted and even this is subject to the enactment of the Local Government and Public Involvement in Health Bill currently before Parliament.
- (c) The general conduct rules are extended to include new obligations not to bully any person, nor to intimidate persons in respect of standards proceedings.
- (d) The obligation to report breaches of the Code of Conduct by other Members has been removed.
- (e) There is a new public interest defence for breaches of confidentiality, subject to various safeguards.
- (f) The provisions as to declaration and registration of interests are amended, in particular
 - (i) the issue of whether a Member is affected to a greater extent than other Council tax payers, rate payers or inhabitants will be judged by reference to the Member's ward rather than the whole borough. This should reduce the number of occasions when an interest will need to be declared.
 - (ii) personal interests arising from external appointments to bodies made by the Council or from membership of bodies exercising functions of a public nature need only be disclosed when the Member addresses a meeting of the Council on that business.
 - (iii) prejudicial interests will only arise where the matter under consideration affects the financial position of the Member, or other person or body in relation to whom they have a personal interest, or where the matter relates to the granting of any licence, registration, permission or consent.

- (iv) a Member with a prejudicial interest may attend a meeting to make representations, answer questions or give evidence provided the public are also allowed to attend the meeting for the same purpose. The Member must then withdraw from the room once the representations have been made.
- (v) the interests of any person from whom a Member has received a gift or hospitality with an estimated value of at least £25 is now regarded as a personal interest. The existing Code merely requires such gifts and hospitality to be registered. However, the need for disclosure is only required if the interest was registered within three years of the date of the meeting.

It is the statutory responsibility of the Council's Standards Committee to advise on adoption of the Code. The provisions of the Model Code are mandatory, but the Council may add provisions which are consistent with the Model. The Standards Committee is recommending adoption of a Code which contains the mandatory provisions and the additional requirement to include on the register, and therefore treat as a personal interest, membership of a private club or society such as the Freemasons, a recreational club, working men's club or private investment club. A similar provision was added when the Council's existing Code was adopted.

A copy of the Code as recommended by the Standards Committee is appended to this report.

Following adoption of the Code, all Members will be provided with a copy, together with a copy of the guide provided by the Standards Board for England. Members will also be asked to re-register their interests. Training for members on the new Code will be made available in the autumn.

8. Finance

There are no financial implications other than the cost of external training.

9. Risks and Uncertainties

The Council is under a statutory duty to adopt the Code within six months of publication of the new Model Code. Failure to do so would result in the mandatory provisions of the Model Code being applied by default. It would also reflect badly upon the Council in the Use of Resources assessment.

Training for Members will be provided.

10. Policy and Performance Agenda Implications

The Council is committed to promoting and maintaining high standards of conduct. The Code is recommended by the Standards Committee which has specific responsibilities of advising the Council on the adoption of its Code and advising, training or arranging to train Members and Co-opted Members on matters relating to the Code.

11. Background Papers and Consultation

The Local Authorities (Model Code of Conduct) Order 2007 (SI2007 No. 1159).

The Code of Conduct – Guide for Members May 2007 – The Standards Board for England.

Reports to Standards Committee 14th June and 12th July 2007.

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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) You should read this Code together with the general principles prescribed by the Secretary of State, which are set out at Annex 1 to this Code.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code:-

"meeting" means any meeting of—

- (a) the Council;
- (b) the executive of the Council;
- (c) any of the 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 of the Council.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), 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,

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 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 this Code, 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 Council to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006 and set out in Annex 2 hereto);
 - (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 this Code or any other relevant authority's code of conduct for members; or
 - (d) 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 Finance); or

- (b) monitoring officer (the Assistant Chief Executive (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. (1) You have a personal interest in any business of the 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 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),

- (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) 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 the Council, 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 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 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 Council's area in which you have a beneficial interest;
 - (x) any land where the landlord is the 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 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 (see paragraph 8 (2) for definition of "relevant person") to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

(2) In sub-paragraph (1) (b), a relevant person is:-

- (a) a member of your family or any person with whom you have a close association; or
- (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 Council and you attend a meeting of the 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 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 authority of the type mentioned in paragraph 8(1)(a)(viii) (i.e. a gift or hospitality of at least £25), 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 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 Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

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

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of the Council in respect of:-
 - (i) housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) 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 Council (or of a sub-committee of such a committee) where:-
- (a) that business relates to a decision made (whether implemented or not) or action taken by the Council's executive or another of the Council's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of the 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 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 Council, you may attend a meeting (including a meeting of the 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 the Council; or
- (b) your election or appointment to office (where that is later),

register in the 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 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 Council's monitoring officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information (as defined by paragraph 14 (3)), and the 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 Council's monitoring officer asking that the information be included in the 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.

ANNEX 1

The Ten General Principles

Paragraph 1 (2)

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.

ANNEX 2

The Equality Enactments

Paragraph 3 (2) (a)

The equality enactments are defined in the Equality Act 2006 as: -

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976 race
- the Disability Discrimination Act 1995
- Part 2 of the Equality Act 2006 (discrimination on grounds of religion or belief)
- Regulations under Part 3 of the 2006 Act (discrimination on grounds of sexual orientation)
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Age) Regulations 2006

REPORT OF THE RETURNING OFFICER**To: The Chairman and members of the Council****ELECTION OF A COUNCILLOR FOR THE VALLEY WARD**

I can report that the person indicated below was elected a Member of the Council at the election held on Thursday 12th July 2007:-

Ward	Candidates	Votes
Valley No. 17	Simon Currie	(Elected) 781
	Carol Myers	348
	Eric Anthony Shaw	150
	Connor Finn Swift	197
	James Alan Wilson	308

M.H. Cuff
Returning Officer
July 2007