

Agenda



AGENDA for the STANDARDS COMMITTEE meeting to be held in COMMITTEE ROOM A, COUNTY HALL, HERTFORD on MONDAY, 27 FEBRUARY 2017 at 2.00PM

MEMBERS OF THE COMMITTEE (5) - QUORUM 3

R H Beeching (Vice-Chairman), N Bell, D J Hewitt (Chairman), A Plancey, D T F Scudder

AGENDA

AUDIO SYSTEM

The meeting room has an audio system to assist those with hearing impairment. Anyone who wishes to use this should contact Main (front) Reception.

PART 1 (PUBLIC) AGENDA

Meetings of the Committee are open to the public (this includes the press) and attendance is welcomed. However, there may be occasions when the public are excluded from the meeting for particular items of business. Any such items are taken at the end of the public part of the meeting and are listed under "Part II ('closed') agenda".

1. MINUTES

To confirm the minutes of the Committee held on 22 February 2016.
(attached)

2. CODE OF CONDUCT FOR MEMBERS

Report of the Chief Legal Officer

3. GUIDANCE ON MEMBER INTERESTS

Report of the Chief Legal Officer

4. STANDARDS UPDATE

Report of the Chief Legal Officer

5. OTHER PART I BUSINESS

Such other Part I Business which, if the Chairman agrees, is of sufficient urgency to warrant consideration.

PART II ('CLOSED') AGENDA EXCLUSION OF PRESS AND PUBLIC

No Part II business has been notified. If Part II business is notified, the Chairman will move:-

“That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item/s of business on the grounds that it/they involve/s the likely disclosure of exempt information as defined in paragraph of Part 1 of Schedule 12A to the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

If you require a copy of any of the reports mentioned above or require further information about this agenda please contact Elaine Shell, Democratic Services Manager, on telephone no. 01992 555565 or e-mail elaine.shell@hertfordshire.gov.uk. Agenda documents are also available on the internet at <https://cmis.hertsdirect.org/hertfordshire/CabinetandCommittees.aspx>

**KATHRYN PETTITT
CHIEF LEGAL OFFICER**

Minutes



To: All Members of the Standards Committee, Chief Executive, Chief Officers

From: Legal, Democratic & Statutory Services
Ask for: Elaine Shell
Ext: 25565

STANDARDS COMMITTEE 22 FEBRUARY 2016

ATTENDANCE

MEMBERS OF THE COMMITTEE

R H Beeching (Vice-Chairman), N Bell, D J Hewitt (Chairman), A Plancey, D T F Scudder

OTHERS PRESENT

Independent Person: T Morris

Upon consideration of the agenda for the Standards Committee meeting on 22 February 2016 as circulated, copy annexed, conclusions were reached and are recorded below:

Note: No conflicts of interest were declared by any member of the Committee in relation to the matters on which decisions were reached at this meeting.

PART I ('OPEN') BUSINESS

1. MINUTES

- 1.1 The Minutes of the Committee meeting held on 15 January 2016 were confirmed as a correct record and were signed by the Chairman.

2. APPLICATION FOR DISPENSATION 1

[Officer Contact: Kathryn Pettitt, Chief Legal Officer Tel: 01992 555527]

- 2.1 The Localism Act 2011 ('the Act') had introduced the concept of Disclosable Pecuniary Interests ('DPIs') and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 had defined those interests that would constitute DPIs under the 2011 Act. In accordance with the Act, Members were required to disclose any matter which fell within the categories of disclosable

**CHAIRMAN'S
INITIALS**

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pecuniary interest if it applied to themselves or their partner and it was a criminal offence for Members to fail to register a DPI or to speak and / or vote where they had a DPI unless they had obtained a dispensation. The County Council had delegated the power to the Standards Committee to grant dispensations in respect of DPIs.

2.2 Members noted that one of the categories of disclosable pecuniary interest is *“Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—*

(a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.”

2.3 The Committee was advised that J R Barfoot had recently been awarded a contract to the value of £800 to print maps for the Rights Of Way section. Given the uncertainty around when a DPI may be engaged, J R Barfoot had requested that a dispensation be granted to allow him to participate in meetings and business of the Council concerning the Integrated Plan and Council’s budget.

2.4 The Committee considered the proposal, noting the grounds set out in the Act for which dispensations may be granted [set out in full at paragraph 5.1 of the report]. Members considered the ground set out at paragraph 5.1.5, *‘it is otherwise appropriate to grant a dispensation’*, applied.

RESOLVED

2.5 The Committee UNANIMOUSLY AGREED:-

1. That a dispensation be granted pursuant to the Localism Act 2011 to allow J R Barfoot to participate, debate and vote at meetings of the Council relating to the Integrated Plan and Budget notwithstanding that he might have a disclosable pecuniary interest by virtue of Copyzone Limited having a contract with the County Council for printing rights of way maps.
2. That the dispensation mentioned in 1 above applies until the next County Council election.

3. APPLICATION FOR DISPENSATION 2

[Officer Contact: Kathryn Pettitt, Chief Legal Officer Tel: 01992 555527]

3.1 The Committee noted that the Localism Act 2011 (‘the Act’) had introduced the concept of Disclosable Pecuniary Interests (‘DPIs’) and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 had defined those interests that would constitute DPIs under the 2011 Act. In accordance

with the Act, Members were required to disclose any matter which fell within the categories of disclosable pecuniary interest if it applied to themselves or their partner and it was a criminal offence for Members to fail to register a DPI or to speak and / or vote where they had a DPI unless they had obtained a dispensation. The County Council had delegated the power to the Standards Committee to grant dispensations in respect of DPIs.

- 3.2 One of the categories of disclosable pecuniary interests is “*Any employment, office, trade, profession or vocation carried on for profit or gain.*” D E Lloyd is the Police & Crime Commissioner for Hertfordshire, a post for which he receives a salary. D E Lloyd had requested that a dispensation be granted to allow him to participate in meetings and business of the Council concerning the Integrated Plan and Council’s budget, notwithstanding that some of the Council’s budget and Integrated Plan relates to initiatives with the police.
- 3.3 The Committee considered and discussed this request, noting the grounds set out in the Act for which dispensation may be granted [set out in full at paragraph 5.1 of the report]. Members considered the grounds set out at paragraph 5.1.3, ‘*the grant of the dispensation would be in the interests of the persons living in the authority’s area*’, and at 5.1.5, ‘*it is otherwise appropriate to grant a dispensation*’, applied. It was pointed out that the Monitoring Officer considered that the grounds set out in paragraph 5.1.5 could apply to the application which had been received as in the context of the County Council’s Integrated Plan and Budget the impact of D E Lloyd’s disclosable pecuniary interest was small.

RESOLVED

- 3.5 The Committee AGREED:-
1. That a dispensation is granted pursuant to the Localism Act 2011 to allow D E Lloyd to participate, debate and vote at meetings of the Council relating to the Integrated Plan and Budget notwithstanding that he might have a disclosable pecuniary interest by virtue of his position as Police & Crime Commissioner for Hertfordshire provided that the dispensation does not apply in instances where the business to be considered directly affects his financial position
 2. That the dispensation mentioned in 1 above applies until the next County Council election.

4. OTHER PART I BUSINESS

- 4.1 There was no other business.

**KATHRYN PETTITT
CHIEF LEGAL OFFICER**

CHAIRMAN _____

**CHAIRMAN’S
INITIALS**

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HERTFORDSHIRE COUNTY COUNCIL
STANDARDS COMMITTEE
MONDAY, 27 FEBRUARY 2017 AT 2.00PM

Agenda Item No.

1

COUNTY COUNCIL
TUESDAY, 21 MARCH 2017 AT 10.00AM

Agenda Item No.

County Council
(21 March 2017)
See agenda for item
number

CODE OF CONDUCT FOR MEMBERS

Report of the Chief Legal Officer

Author: Kathryn Pettitt, Chief Legal Officer (Tel. 01992 555527)

1. Purpose of Report

- 1.1 To seek Members' views on a revised Code of Conduct for Members and to ask Council to approve the revised Code of Conduct.

2. Summary

1. The Localism Act 2011 (the 'Act') introduced a number of changes to the standards regime applying to local authorities. This included the provision that each local authority determine locally the form of its Code of Conduct for Members.
2. In May 2012 Council approved the current form of the Code of Conduct. Having reviewed the Code of Conduct in light of comments from Members and the Independent Person it is proposed that some changes are made to the Council's Code of Conduct for Members with effect from the Council election in May 2017.
3. The proposed revisions to the Code of Conduct referred to in this Report have been discussed with Group Leaders.

3. Recommendations

- 3.1 That Standards Committee recommends to Council that:
1. The Council adopts the Code of Conduct attached as the Annex 1 to the Report with effect from the date that Members take up office following the election on 4 May 2017 and be adopted as Annex 18 to the Constitution.

2. That the Chief Legal Officer be authorised to make any amendments necessary to ensure that the change mentioned in 1 above is reflected consistently throughout the Constitution.
- 3.2 The Standards Committee's recommendation/s to County Council will be set out in the March 2017 County Council Order of Business.

4 Background - The Code of Conduct

- 4.1 The 2011 Act provides that each Council has a discretion as to what to include in the Code in their Code of Conduct for Members although when viewed as a whole the Code must be consistent with the following seven principles of public life - namely selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 4.2 The current Code of Conduct for Members was adopted by Council on 15 May 2012 and came into effect on 1 July 2012. The Council chose to the template Code of Conduct which had been produced by Department of Communities and Local Government. This template was not followed by most authorities and is generally viewed as relatively broad brush.
- 4.3 The number of complaints against members that have been received by the Chief Legal Officer since the 2011 Act came into force is quite small and none of them have involved a potential breach of the Code. It is difficult to judge, therefore, how effective the Code is in practice. A review of the Code, however, following discussions with members, the Independent Person, the nature of the complaints that have been raised and consideration of Codes of Conduct adopted by other authorities the Chief Legal Officer considers that the Code of Conduct should be amended as set out in this Report.
- 4.4 It is proposed that the Code of Conduct for Members be amended:
 - 4.4.1 to include specific obligations on the part of Members relating to equalities, respect for others, compliance with the policies of the Council where they set out required conduct for members and confidentiality. These obligations are set out in paragraphs 3.1 - 3.4 of the suggested revised Code of Conduct attached as Annex 1 to the report.
 - 4.4.2 to require members to include on the register of interests not only their Disclosable Pecuniary Interests (these are required by law) but also personal interests (e.g. membership of other public bodies). The proposed amendments to the Code in this regards are set out in paragraph 5.1 of the revised Code of Conduct attached as Annex 1 to the report.
- 4.5 Many of the district councils in Hertfordshire require their members to disclose on the register of interests personal interests such as those

mentioned in paragraph 4.4.2 above. By revising the Code in this regard would achieve some consistency of approach for many twin hatted members. It would also assist all members as many include interests on the Disclosable Pecuniary Interests form which do not fall within the definition of Disclosable Pecuniary Interests – presumably for purposes of transparency.

- 4.6 Attached as Annex 1 to this report is the current Code of Conduct for Members showing the suggested revisions by way of track changes. Annex 2 comprises a draft of what the members' interests disclosure form would look like if the suggested changes in paragraph 5 of the revised code are agreed.

5 Financial Implications

- 5.1 None arising specifically from this Report.

Background Information

The Localism Act 2011 <http://www.legislation.gov.uk/ukpga/2011/20/contents>
County Council Constitution – Annex 18
<https://beta.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/who-we-are-and-what-we-do/who-we-are-and-what-we-do.aspx>

HERTFORDSHIRE COUNTY COUNCIL

Adopted by the
County Council
on 17 July 2012

CODE OF CONDUCT FOR MEMBERS

This Code of Conduct applies to all members and co-opted members of Hertfordshire County Council.

This Code of Conduct applies:

- (a) Whenever you conduct the business, or are present at a Meeting, of the authority; or
- (b) Whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed; or
- (c) Whenever you act, claim to act or give the impression you are acting as a representative of the authority

Application and General Principles

1. You are a member or co-opted member of Hertfordshire County Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

General Conduct

2. Accordingly, when acting in your capacity as a member or co-opted member –
 - 2.1 You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family or close associate.
 - 2.2 You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
 - 2.3 When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
 - 2.4 You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
 - 2.5 You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
 - 2.6 You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to

resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.

- 2.7 You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for private or political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 2.8 You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Specific Obligations

3.1 You must:

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the authority

3.2 You must comply with all other policies of the authority (or part of any such policy) which sets out required conduct from members

3.3 You must not:

- (a) disclose confidential information or information which should reasonably be regarded as being confidential in nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law

3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the authority into disrepute

Disclosable Pecuniary Interests

4.1 You must:

- (a) within 28 days of taking office as a member or co-opted member, notify the Chief Legal Officer of any Disclosable Pecuniary Interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the

pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners

[The disclosable pecuniary interests specified in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 are set out in the Appendix].

(b) ensure that your register of interests is kept up to date and notify the Chief Legal Officer in writing within 28 days of becoming aware of any change in respect of your Disclosable Pecuniary Interests

4.2. If you are present at a Meeting at which an item of business in which you have a Disclosable Pecuniary Interest is to be considered or is being considered then:

(a) you must make a verbal declaration of the existence and nature of the Disclosable Pecuniary Interest at the meeting or at or before the consideration of the item of business or as soon as the interest becomes apparent

(b) you must not participate, or participate further, in any discussion of the matter at the Meeting unless a dispensation has been granted by the Standards Committee

(c) you may not participate in any vote, or further vote, taken on the matter at the Meeting unless a dispensation has been granted by the Standards Committee

(d) if the interest is not registered and is not the subject of a pending notification you must notify the Chief Legal Officer of the interest within 28 days of the Meeting

Other Interests

5.1 In addition to the requirements of paragraph 4, you must notify the Chief Legal Officer in writing of your other personal interests where they fall within the following descriptions for inclusion in the register of interests:

(a) 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 authority

(b) any body:

(i) exercising functions of a public nature

(ii) directed to charitable purposes; or

(iii) 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

- 5.2 If you attend a meeting at which any item of business is to be considered and you are aware that you have a 'Declarable Interest' in that item, you must make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.
- 5.3 You have a 'Declarable Interest' in an item of business of the Council where:
- (a) it is a personal interest as mentioned in paragraph 5.1 above (whether or not you have disclosed that interest in writing to the Chief legal Officer)
 - (b) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or your employer or a person or body with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the division for which you have been elected or otherwise of the Council's administrative area
 - (c) it relates to or is likely to affect any of the interests listed in the table in the Appendix to this Code but in respect of a member of your family (other than a 'relevant person') or your employer or a person or body with whom you have a close association

and that interest is not a Disclosable Pecuniary Interest.

Gifts and Hospitality

- 6.1 You must within 28 days of receipt, notify the Chief Legal Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have been offered as a member from any person or body other than the Authority and also whether you have accepted such gift, benefit or hospitality.
- 6.2 The Chief Legal Officer will place your notification on a public register of gifts and hospitality.
- 6.3. This duty to notify the Chief Legal Officer does not apply where the gift, benefit or hospitality comes within any description approved by the County Council for this purpose.

Sensitive information

- 7.1 Where you have a Disclosable Pecuniary Interest and the nature of the interest is such that you and the Chief Legal Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the Council's Register then copies of the register available for inspection and any published version of the Register should not include details of the interest but may state that you have an

interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.

- 7.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 7.1 is no longer sensitive information, notify the Chief Legal Officer.

Definitions

8. In this Code:

“Meeting” means any meeting of:

- (a) the Council;
- (b) the Executive;
- (c) any of the County Council’s or the Executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
- (d) any Panel or Topic Group
- (e) one or more members with an officer of the Council
- (f) a political group

“Member” includes a co-opted member

“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 subject to violence or intimidation.

Appendix

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable Pecuniary Interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

A 'Disclosable Pecuniary Interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above)

Disclosable Pecuniary Interests

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vacation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i>
<i>Contracts</i>	<i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</i>

<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>
<i>Corporate tenancies</i>	<i>Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.</i>
<i>Securities</i>	<i>Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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 (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.</i>

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has 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;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“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.

REGISTER OF MEMBERS' INTERESTS

NOTICE OF DISCLOSABLE PECUNIARY INTERESTS

I,*[Insert name]*
 a member of Hertfordshire Council (the 'County Council'), set out below under the appropriate headings my interests, which I am required to declare under the Localism Act 2011 and I have put "none " where I have no such interests under any heading.

<u>Disclosable Pecuniary Interests</u>	
<p>Members are required to register not only their own interests under this heading but also those of their husband or wife, civil partner or of any person with whom they are living as if husband and wife or as civil partners when such interests are known by them</p>	
<p>1. Any employment, office, trade, profession or vocation carried on by you or those persons referred to above for profit or gain.</p>	
<p>2. Any payment or provision of any other financial benefit (other than from the County Council) made or provided within the last 12 months in respect of expenses incurred by you in carrying out your 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</p>	

<p>3. A description of any contract for goods, services or works made between the County Council and you or the persons referred to above (or a body in which you or they have a beneficial interest) and which has not been fully discharged</p>	
<p>4. Any land in the County Council's area in which you have or a person referred to above has a beneficial interest</p>	
<p>5. Any land in the County Council's area for which you or the persons referred to above have a licence (alone or jointly with others) to occupy for a month or longer</p>	
<p>6. Any tenancy where to your knowledge the landlord is the County Council and the tenant is a body in which you have or a person referred to above has a beneficial interest</p>	
<p>7. The name of any person or body in which you have or a person referred to above has a beneficial interest in securities of that body where:</p> <p>(a) that body to your knowledge has a place of business or land in the area of the County Council; and</p> <p>(b) either-</p> <p>(i) the total nominal value of the securities exceeds £25,000 or</p>	

<p>one hundredth of the total issue share capital of that body; or</p> <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 you have or a person referred to above has a beneficial interest exceeds one hundredth of the total issue share capital of that class</p>	
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<p><u>Personal Interests</u></p> <p>Members are required to register only their own interests under this heading</p>	
<p>1. 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</p>	
<p>2. Any body exercising functions of a public nature of which you are a member or in a position of general control or management</p>	
<p>3. Any body directed to charitable purposes of which you are a member or in a position of general control or management.</p>	
<p>4. Any body of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</p>	

of which you are a member or in a position of general control or management	
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I recognise that it may be an offence under the Localism Act 2011 in respect of my Disclosable Pecuniary Interests to:-

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to give further notices in order to bring up to date information given in this notice after my re-election or reappointment or to fail to declare a disclosable pecuniary interest that I acquire after the date of this notice and have to declare under the provisions of s. 31 (2) Localism Act 2011.

Signed :

Date:

RECEIVED

Signed:

Proper Officer of Hertfordshire County Council

Date:

GUIDANCE ON MEMBER INTERESTS

Report of the Chief Legal Officer

Author: Kathryn Pettitt, Chief Legal Officer (Tel. 01992 555527)

1. Purpose of Report

- 1.1 To seek the Committee's views on the draft guidance notes which are being prepared relating to Disclosable Pecuniary Interests ('DPIs').

2. Summary

- 2.1 Members of the Council are required to declare DPIs. Whilst the responsibility is on each member individually to decide on what information should be included on their DPI form it is considered that some guidance notes would be helpful.

3. View Requested

- 3.1 The Committee's views are sought on the draft guidance attached as Appendix 1 to this Report.

4. Background

- 4.1 The Localism Act 2011 (the 2011 Act) introduced the concept of 'Disclosable Pecuniary Interests' ('DPIs'). Failure by a member to register or disclose a DPI is a criminal offence. In addition the magistrates court may on conviction disqualify a member from being a member of the council or any other relevant authority for up to 5 years. Also, if a member has a DPI in any business that is or will be considered at a meeting then they cannot participate in consideration of that item of business unless they have obtained a dispensation. To participate without a dispensation could also amount to a criminal offence.
- 4.2 Regulations defining DPIs were published in June 2012. Guidance for Councillors on interests was issued by the Department for Communities and Local Government in September 2013 and this is attached as Appendix 2 to this Report.
- 4.3 There are some uncertainties around the interpretation of DPIs. Whilst ultimately it is for each member to decide what information to include in

their DPI registration some general guidance notes may be of assistance.

5. Members' Interests

- 5.1 Attached as Appendix 1 are some draft guidance notes on the nature of DPIs. It is proposed, subject to any comments from the Committee, to issue this guidance to members following the May 2017 election.
- 5.2 One of the issues where there is uncertainty is around whether membership of another Authority needs to be included on the DPI form. The issue here is whether the allowance which the member receives from that other authority relates to an office carried on for profit or gain. Legal advice differs. One view is that members' allowances should be included in the DPI form. Another view is that members' allowances are compensatory payments and are, therefore, not received as a result of an office carried on for profit or gain for the purposes of the DPI regulations; another is that receipt of basic allowance is not 'for profit or gain' but that if a member receives a special responsibility allowance from the other Authority then that would constitute carrying on an office for 'profit or gain' and so membership of the other Authority needs to be registered as a DPI.
- 5.3 The Government guidance does not deal with the issue mentioned in the preceding paragraph. In January 2015 following a review of the DPI forms completed by members of the County Council in order to introduce consistency advice was given to members to disclose on their DPI form any allowance received from another local authority. This approach is also taken in the attached guidance note.

6. Financial Implications

- 6.1 None arising from this Report.

Background Information

Localism Act 2011 <http://www.legislation.gov.uk/ukpga/2011/20/contents>

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 <http://www.legislation.gov.uk/uksi/2012/1464/regulation/1/made>

REGISTER OF MEMBERS' INTERESTS – NOTES

Every elected or co-opted member is required to notify the Monitoring Officer (within 28 days of being elected or co-opted onto the County Council) of all current 'disclosable pecuniary interests' of which they are aware and update the register within 28 days of being re-elected or re-appointed. The Secretary of State has issued Regulations setting out what constitutes a 'disclosable pecuniary interest'.

The Localism Act 2011 provides that this will cover the interests not just of the member, but also of his/her spouse, civil partner or person with whom he/she lives as if they were spouses or civil partners ('Spouse/Partner'), in so far as the member is aware of his/her partner's interests. You need to include the nature of the interest on the form but there is no need to differentiate your disclosable pecuniary interests between those that relate to you personally and those that relate to your Spouse/Partner.

Failure to register such interest, failure to register within 28 days of election or co-option, or the provision of misleading information on registration without reasonable excuse, will be criminal offences. Prosecution is at the instigation of the Director of Public Prosecutions. Once a member has made the initial registration the County Council's Code of Conduct requires that the member registers any change in circumstances within 28 days of the change.

The Department of Communities and Local Government have issued a guide for Councillors on interests under the Localism Act 2011 which you should refer to.

You should complete the register with sufficient detail to identify clearly what the interest is. Do not use abbreviations, initials or acronyms. You are personally responsible for the accuracy of the contents of the register.

Please mark 'none' on the register if you have no interest to register in any category.

These notes give general guidance on what items Members should include on the disclosable pecuniary interests form. The onus is on the individual member to make their own judgement about making a declaration and they should not rely on direction from an officer, though if in doubt they can seek advice.

Disclosable Pecuniary Interest ('DPI')	Notes
<p>1. Any employment, office, trade, profession or vocation carried on by you or those persons referred to above for profit or gain</p>	<p>Include every employment, office, trade, profession or vocation that you and your spouse/partner have to declare for income tax purposes.</p> <p>Give a short description of the activity concerned (e.g. 'Computer Operator'). Include the name of the person or body employing you or your Spouse/Partner.</p> <p>Include any District Council from whom you receive an allowance.</p> <p>You do not need to include any unpaid work for public, voluntary and charitable bodies.</p>
<p>2. Any payment or provision of any other financial benefit (other than from the County Council) made or provided within the last 12 months in respect of expenses incurred by you in carrying out your 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</p>	<p>This DPI is about any financial support you have received or continue to receive for being a member of the County Council during the last 12 months.</p> <p>Include the name of the political party, or other person or body that has within the last 12 months made a payment to you or given to you any other financial benefit in respect of carrying out your duties as a member of the County Council (e.g. travelling expenses).</p> <p>Include the name of the political party, or other person or body that has within the last 12 months made a payment to you or given to you any other financial benefit in respect of your election expenses as a member of the County Council.</p>

<p>3. A description of any contract for goods, services or works made between the County Council and you or the persons referred to above (or a body in which you or they have a beneficial interest) and which has not been fully discharged</p>	<p>This covers any contract with the County Council to which:</p> <ul style="list-style-type: none"> (a) you or your Spouse/Partner; or (b) any firm in which you or your Spouse/Partner is a partner; or (c) any company in which you or your Spouse/Partner is a director; or (d) any other body in which you or your Spouse/Partner has a beneficial interest (e.g. owns shares) <p>is a party AND which has not been fully discharged.</p> <p>'Director' includes a member of the management committee of an industrial and provident society</p> <p>If the contract has been completed (i.e. no more services or payments arising) you do not need to include it.</p>
<p>4. Any land in Hertfordshire in which you have or a person referred to above has a beneficial interest</p>	<p>You must include any land in the administrative county of Hertfordshire in which you or your Spouse/Partner have a beneficial interest. You should give the postal address or a clear description sufficient to identify land.</p> <p>Land includes any buildings or parts of buildings.</p> <p>You should include any property from which you receive rent or of which you are a mortgagee.</p> <p>Beneficial interest includes freehold and leasehold (tenancy) interests and any land held on trust for you or your Spouse/Partner.</p> <p>It only includes any legal rights you may have over property if the right (for example a right of way) carries with it a right to receive income.</p>

<p>5. Any land in Hertfordshire for which you or the persons referred to above have a licence (alone or jointly with others) to occupy for a month or longer</p>	<p>You should include any land in administrative county of Hertfordshire which you or your Spouse/Partner have a right to occupy but neither own nor have a tenancy of.</p> <p>You should give the postal address or a clear description sufficient to identify land.</p> <p>This includes grazing agreements, allotments, garage licences and other short term arrangements.</p> <p>Land includes any buildings or parts of buildings.</p>
<p>6. Any tenancy where to your knowledge the landlord is the County Council <u>and</u> the tenant is a body in which you have or a person referred to above has a beneficial interest</p>	<p>Include here any land or property leased (tenanted) to your knowledge from the County Council to:</p> <ul style="list-style-type: none"> (a) any firm in which you or your Spouse/Partner is a partner; or (b) a company in which you or your Spouse/Partner is a director; or (c) a body in which you or your Spouse/Partner has a beneficial interest (e.g. owns shares). <p>'Director' includes a member of the management committee of an industrial and provident society</p>
<p>7. The name of any person or body in which you have or a person referred to above has a beneficial interest in securities of that body where:</p> <p>(a) that body to your knowledge has a place of business or land in Hertfordshire; <u>and</u></p> <p>(b) either- (i) the total nominal</p>	<p>If you or your Spouse/Partners own shares or other form of equity in a company or other body which to your knowledge has a place of business within Hertfordshire or owns land or property in Hertfordshire, you will need to consider whether the interest is to be included.</p> <p>'Securities' includes 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. It does <u>not</u>, however, include money deposited at a building society.</p> <p>If either of the categories (a) or (b) below apply you will need to register the name of the company or body:</p>

<p>value of the securities exceeds £25,000 or one hundredth of the total issue share capital of that body; or</p> <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 you have or a person referred to above has a beneficial interest exceeds one hundredth of the total issue share capital of that class</p>	<p>(a) Identify the nominal value; this is the amount of the shares indicated on the certificate, not the market value. If this exceeds £25,000, you need to register the name of the company or body;</p> <p>(b) If the share capital is of more than one class and your holding or that of your Spouse/Partner is more than 1% of the total nominal value of the total issued share capital of that class you need to register the name of the company or body.</p> <p>You should list the names of any companies or other bodies which you register. You do not need to show the extent of your interest.</p>
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**Department for
Communities and
Local Government**

Appendix 2

Openness and transparency on personal interests

A guide for councillors

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Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

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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 2011¹.

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.²

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

¹ 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.

² 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.³

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

³ <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.⁴.

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 disclose⁵ 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

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

⁵ 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.**

HERTFORDSHIRE COUNTY COUNCIL
STANDARDS COMMITTEE
MONDAY, 27 FEBRUARY 2017 AT 2.00PM

Agenda Item No.

3

STANDARDS UPDATE

Report of the Chief Legal Officer

Author: Kathryn Pettitt, Chief Legal Officer (Tel. 01992 555527)

1. Purpose of Report

1.1 To provide an update to Members on standards issues generally.

2. Recommendation

2.1 Members are asked to note the report and for their views on any matters mentioned in the Report.

3. Summary and Background
Complaints Update

3.1 A report was brought to the Committee in June 2015 updating Members on the complaints that had been received by the Chief Legal Officer during the period 1 July 2012 to 31 March 2015. This report provides an update on the number of complaints received by the Chief Legal Officer from 1 April 2015 to 31 December 2016. For comparison purposes, however, the figures in paragraph 3.2 below include the numbers only of complaints received from July 2012 to March 2015.

3.2 The number of formal complaints that have been made to the Chief Legal Officer since the new Code of Conduct for Members was introduced in July 2012 are as follows:

July 2012 – March 2013	3
April 2013 – March 2014	2
April 2014 – March 2015	4
April 2015 – March 2016	9
April 2016 – December 2016	2

3.3 Of the 11 complaints which have been received in the period April 2015 to December 2016:

- Six related to alleged delay in responding to email correspondence
- One related to a member failing to return papers to a constituent
- Two concerned a decision made by an outside body; two members of the County Council being on the body which made the decision
- One alleged that the member had misled the member of the public in relation to a highways matter
- One related to remarks on a social media website

3.4 In all cases, following consultation with the Independent Person, the Chief Legal Officer (as Monitoring Officer) informed the complainant that the complaint did not amount to a breach of the Council's Code of Conduct.

3.5 In three cases the complainants appealed the decision of the Monitoring Officer not to investigate the complaint. The appeals were considered by the Chief Executive in consultation with the Group Leaders and were dismissed. One of the complainants then complained to the Local Government Ombudsman about how the complaint had been considered alleging that it was incorrect to conclude that the member was not acting in their capacity as a member in relation to the circumstances of the complaint. The complainant also alleged that the Monitoring Officer should not have informed the member of the complainant's identity. The Local Government Ombudsman did not uphold the complaint and concluded that it had been dealt with appropriately.

3.6 Whilst none of the complaints made were considered to amount to a breach of the Council's Code of Conduct it will be noted that many of the complaints relate to communication issues. This is similar to the nature of the complaints for previous years.

Protocol with Hertfordshire Police in relation to DPI offences

3.7 For the last few years there has been a Protocol in place between Hertfordshire Constabulary and the Hertfordshire Monitoring Officers for the referral of potential Disclosable Pecuniary Interest offences under the Localism Act 2011. The Protocol is currently being reviewed and there are likely to be some minor amendments to clarify when a police referral is made and the process for dealing with referrals.

Reminder to Declare Interests

3.8 The Agenda front sheet for member meetings is to be revised as from May 2017 to include a reminder to members to make any appropriate declaration of interests. This should aid members in considering before each meeting that they attend whether there are any Disclosable

Pecuniary Interests or Declarable Interests which might affect their participation in any item before the meeting or which they need to declare.

Member Training

- 3.9 As part of the member induction process after the election in May 2017 the Chief Legal Officer will offer training to all members on the Members Code of Conduct and standards issues. The Committee's views are sought as to any areas which they consider would be helpful to include in the training.

4. Financial Implications

- 4.1 None arising from this report.

Background Information

None