

## PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 2.00 p.m. on Wednesday, 18 July 2012, when the following Members were present:-

Sheila Denwood (Mayor)	Robert Redfern (Deputy Mayor)
Paul Aitchison	Tony Anderson
June Ashworth	Josh Bancroft
Jon Barry	Mark Bevan
Eileen Blamire	Dave Brookes
Abbott Bryning	Keith Budden
Shirley Burns	Susie Charles
Chris Coates	Roger Dennison
Jonathan Dixon	Melanie Forrest
Paul Gardner	Kathleen Graham
Mike Greenall	Janet Hall
Tim Hamilton-Cox	Janice Hanson
John Harrison	Helen Helme
Billy Hill	Val Histed
Joan Jackson	Alycia James
Tony Johnson	Andrew Kay
Tracey Kennedy	David Kerr
Karen Leytham	Roger Mace
Geoff Marsland	Terrie Metcalfe
Ceri Mumford	Richard Newman-Thompson
Jane Parkinson	Ian Pattison
Margaret Pattison	Pam Pickles
Vikki Price	Sylvia Rogerson
Ron Sands	Elizabeth Scott
Roger Sherlock	David Smith
Keith Sowden	Susan Sykes
Malcolm Thomas	David Whitaker
Peter Williamson	Paul Woodruff

**44 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Geoff Knight, Richard Rollins, Emma Smith and Joyce Taylor.

**45 MINUTES**

The Minutes of the meeting held on 13 June 2012 were signed by the Mayor as a correct record.

**46 DECLARATIONS OF INTEREST**

Members advised of the following interests at this stage:

Councillor Bryning declared a personal and prejudicial interest in relation to the Urgent Business item regarding the Storey Creative Industries Centre (SCIC) in view of his role as a Board Member of the Storey Creative Industries Centre. (Minute No. 51 refers.)

Councillor Dennison declared a personal and prejudicial interest in relation to the Urgent Business item regarding the SCIC as his son was part of a company renting an office space in the Storey building. (Minute No.51 refers.)

Councillor Kerr declared a personal interest in relation to item 11, the Notice of Motion regarding Police Budgets, as a member of the Police Liaison Committee of Morecambe Town Council.

**47 ITEMS OF URGENT BUSINESS**

In accordance with Section 100B (4) of the Local Government Act 1972, the Mayor informed Council that she had agreed to accept an item of urgent business following meetings of the Overview and Scrutiny Committee and Cabinet on 17 July 2012 regarding the Storey Creative Industries Centre (SCIC). The matter was urgent because of the need to make a decision as soon as possible.

The urgent business report was to be taken after agenda item 6.

**48 ANNOUNCEMENT - MAYOR'S LUNCHEON**

The Mayor announced her intention to hold a Luncheon in the Banqueting Suite on 22 September 2012. Full details about the time, menu and ticket prices would be available closer to the date of the event. There would be a tombola stall, raffle, and a special prize for the smartest hat on parade.

**49 ANNOUNCEMENT - TATTON PARK FLOWER SHOW**

The Mayor was happy to announce that Environmental Services had been awarded Silver Gilt at the Royal Horticultural Society's Tatton Park Flower Show.

**50 QUESTIONS FROM THE PUBLIC UNDER COUNCIL PROCEDURE RULE 11 (Page 1)**

The Mayor advised that two questions had been received from members of the public, Mr Billy Pye, and Mr Paul Smith, in accordance with Council Procedure Rule 10.

Copies of the questions, both of which related to the Canal Corridor, had been circulated

at the commencement of the meeting.

Mr Pye spoke first, putting his question and supplementary question to Councillor Hanson, followed by Mr Smith, who put his question to Councillor Bryning. Details of the questions and the responses are appended to these minutes.

#### 51 URGENT BUSINESS - STOREY CREATIVE INDUSTRIES CENTRE

*(Councillor Dennison and Councillor Bryning both left the meeting at this point, having previously declared personal and prejudicial interests.)*

The Chief Executive submitted a report to enable Council to consider, as a matter of urgency, a referral from Cabinet resulting from the Overview and Scrutiny Committee's call-in of the Cabinet decision made on 3 July 2012 regarding the Storey Creative Industries Centre (SCIC). (Cabinet minute 26 refers). The Chief Executive referred to the reasons for urgency.

The Mayor informed Council that, as the report had only recently been published, a short adjournment might be required to allow time for Members to read it. The Mayor also reminded Council that, whilst the report was a public report, two of the appendices (5 and 6) were exempt from publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972. Council was therefore recommended to pass a resolution excluding the press and public from the meeting should it be necessary to refer to the information in the exempt appendices.

During Members' questions about the reasons for urgency, it became apparent that the Chief Executive would need to make reference to the exempt information to provide a full response to Council. In view of this, Councillor Williamson moved, seconded by Councillor Kerr:

"That, in accordance with Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of that Act."

A vote was taken and the motion was clearly carried.

**Resolved:**

"That, in accordance with Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of that Act."

*(The public gallery was cleared at this point.)*

The Chief Executive responded to a number of questions from Councillors.

Councillor Williamson, seconded by Councillor Thomas, proposed adjourning the meeting to allow time to read the report.

Councillor Burns, seconded by Councillor Kerr, proposed an amendment:

"That the report be deferred for consideration at a later date."

There was a lengthy debate before a vote was taken on the amendment. With 17 Councillors voting for the amendment, 30 against and 2 abstentions the amendment was clearly lost.

A vote was then taken on the original proposition to adjourn the meeting to allow time to read the report. The proposition was clearly carried and the Mayor announced that the meeting be adjourned to allow Councillors twenty minutes to read the report.

***(The meeting adjourned at 3.00pm and reconvened at 3.20pm.)***

The Mayor proposed, with the agreement of Council, that members of the press and public be re-admitted to the meeting.

***(Members of the press and public were re-admitted at this point.)***

The Chief Executive introduced his report. He responded to numerous questions, as did the Head of Resources and the Head of Governance.

At the conclusion of Councillors' questions, Councillor James proposed:

"That Council does not approve Option 2 as set out in the Cabinet report of 3 July 2012."

Councillor Kerr seconded the proposition.

There was a short debate before Councillor Johnson proposed a friendly amendment to the proposition:

"That, should the company fail, Council is minded to negotiate a new lease with existing tenants, should the need and opportunity arise."

There was no seconder, therefore the proposed amendment fell.

There was a further period of debate, following which Councillor Blamire moved an amendment, seconded by Councillor Hanson:-

"That the Council withdraws support for the SCIC Ltd by seeking forfeiture of the headlease from the company (which would have ceased trading in some way) and requests a report back on all future options for the building."

This was accepted as a friendly amendment by the mover and seconder of the original proposition.

Further debate followed and a vote was taken on the proposition as amended, which was clearly carried.

***Resolved:***

That the Council withdraws support for the SCIC Ltd by seeking forfeiture of the headlease from the company (which would have ceased trading in some way) and requests a report back on all future options for the building.

***(Councillor Dennison and Councillor Bryning rejoined the meeting at this point.)***

The Mayor informed Members that she intended to take items 9 and 10 next, before item 8.

**52 EXCLUSION OF PRESS AND PUBLIC**

The Mayor reminded Council that it had been recommended to exclude the press and public from the meeting for the following item (item 10) on the grounds that it could involve the possible disclosure of exempt information.

Councillor Whitaker moved, seconded by Councillor Redfern:

“That, in accordance with Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of that Act.”

Several Councillors expressed a wish to keep the questions and debate to matters which were not exempt for as long as possible. A vote was then taken on the motion, which was clearly lost, allowing the press and public to stay in the meeting.

**53 CANAL CORRIDOR REDEVELOPMENT**

The Chief Executive submitted a supplementary report to seek a decision on Cabinet’s earlier recommendation to Council to update the Canal Corridor Development Agreement. The report provided additional information to supplement a report originally submitted to Council on 11 April 2012. The report was deferred at that meeting, to allow Members an opportunity to view the full development agreement prior to taking a decision.

The Mayor informed Members that Mr Peter Skelton of Lambert Smith Hampton was in attendance to assist officers in responding to questions.

There were many questions from Councillors which the Head of Planning and Regeneration, Head of Resources, Legal Services Manager and Mr Skelton responded to.

Councillor Hanson then proposed the recommendations as set out in the supplementary report. The proposition was seconded by Councillor Newman-Thompson.

There was a lengthy debate. At the end of the debate an amendment was moved by Councillor Hamilton-Cox and seconded by Councillor Coates:

“That Council does not approve the Development Agreement until the final version of the agreement has been drafted and a better deal for the taxpayer has been negotiated.”

A recorded vote on the amendment was then requested in accordance with Council Procedure Rule 19.4. The votes were recorded as follows:-

For

Councillors Barry, Brookes, Coates, Forrest, Hamilton-Cox, Kay, Kennedy, Mace, Mumford, Sowden and Woodruff.

(11)

Against

Councillors Aitchison, Anderson, Ashworth, Bancroft, Bevan, Blamire, Bryning, Charles, Denwood, Dixon, Gardner, Graham, Hall, Hanson, Harrison, Helme, Hill, Histed, Jackson, James, Leytham, Metcalfe, Newman-Thompson, Parkinson, Ian Pattison, Margaret Pattison, Pickles, Price, Redfern, Rogerson, Sands, Scott, Sherlock, David Smith, Sykes,

Thomas, Whitaker and Williamson.  
(38)

Abstentions  
Councillors Budden, Burns, Dennison and Greenall.  
(4)

(Councillor Johnson declined to vote.)

The Mayor informed Council that the votes were 11 for, 38 against and 4 abstentions therefore the amendment was lost.

Further debate followed. A vote was then taken on the substantive motion which the Mayor declared clearly carried.

**Resolved:**

- (1) That the principles for the variation of the Development Agreement for the Canal Corridor North development site, as set out Appendix A of the report, be agreed and officers be authorised to finalise the documentation accordingly.
- (2) That completion of the Development Agreement be delegated to the Chief Executive.

***(The Mayor adjourned the meeting for ten minutes at this point, in line with Council Procedure Rule 10.1. The meeting reconvened at 6.45pm.)***

**54 PROVISIONAL REVENUE AND CAPITAL OUTTURN 2011/12**

At the request of the Mayor, the Chief Executive explained that items 8 and 13 would be taken next and in view of the time taken to debate the first two reports, all other items would be deferred to the next Council meeting.

Councillor Bryning, the Cabinet Member with special responsibility for Finance, presented a report of Cabinet, seeking Council's consideration of various matters in connection with the overall outturn position for 2011/12.

The report was in two parts. Requests to carry forward amounts over £10,000 from the 2011/12 revenue budget allocations were set out for Council to consider for approval. The report also included the Annual Treasury Management Report for noting and the year end Prudential Indicators for Council to approve.

Councillor Bryning and the Head of Resources responded to several questions from Councillors. Councillor Bryning then proposed recommendation (1) of the report, seconded by Councillor Barry:

"That the requests for carry forward of underspent budgets, as set out in Appendix A of the report, be approved."

There was a short debate. By way of amendment, Councillor Sykes proposed an addendum to Councillor Bryning's proposal:

"...with the exception of request 6 (£25,200 for Poulton Neighbourhood Management and Winning Back the West End), which should be put back into balances."

Councillor Mace seconded the amendment.

There was a short debate before a vote was taken on the amendment, which was clearly lost. A vote was then taken on the substantive motion, which was clearly carried.

Councillor Bryning then proposed recommendations (2) and (3) as set out in the report, seconded by Councillor Blamire.

A vote was taken on the proposition, which was clearly carried.

**Resolved:**

- (1) That the requests for carry forward of underspent budgets as set out at Appendix A of the report, be approved.
- (2) That the Annual Treasury Management report as set out at Appendix B of the report, be noted.
- (3) That the year end Prudential Indicators as set out at Appendix C of the report, be approved.

**55 LOCALISM ACT 2011 - ADOPTION OF A REVISED CODE OF CONDUCT**

Council considered a report of the Monitoring Officer to enable Council to adopt a new Code of Conduct in accordance with the requirements of the Localism Act 2011.

The Monitoring Officer responded to one question from a Councillor about Members' interests.

Councillor Sherlock proposed, seconded by Councillor Blamire:

- “(1) That the Code of Conduct as set out in Appendix 1 to the report, be adopted.
- (2) That an amended addendum to the Council Procedure Rules (to apply to all meetings of Council, Cabinet, Committees and Overview and Scrutiny) as set out in Appendix 2 to the report, be approved.
- (3) That the Independent Remuneration Panel be requested to consider the appropriate special responsibility allowance for the chairman of the newly established Standards Committee, and any payments to be made to the Independent Person (and reserves).
- (4) That all Members be encouraged to attend training sessions to be provided by the Monitoring Officer on the new Code of Conduct, including arrangements for the registration and disclosure of interests.
- (5) That the arrangements, set out in Appendix 3 of the report, approved by the Standards Committee under Section 28(6) of the Localism Act 2011 for dealing with complaints of breach of the Code of Conduct, be noted.
- (6) That the appointments of Mr Stephen Lamley, Mr Tony James and Mr David Jordison as Independent Persons be extended to 1 May 2015.”

There was a short debate before a vote was taken on the proposition which was clearly

carried.

**Resolved:**

- (1) That the Code of Conduct as set out in Appendix 1 to the report (and appended to these minutes), be adopted.
- (2) That an amended addendum to the Council Procedure Rules (to apply to all meetings of Council, Cabinet, Committees and Overview and Scrutiny) as set out in Appendix 2 to the report, be approved.
- (3) That the Independent Remuneration Panel be requested to consider the appropriate special responsibility allowance for the chairman of the newly established Standards Committee, and any payments to be made to the Independent Person (and reserves).
- (4) That all Members be encouraged to attend training sessions to be provided by the Monitoring Officer on the new Code of Conduct, including arrangements for the registration and disclosure of interests.
- (5) That the arrangements, set out in Appendix 3 of the report, approved by the Standards Committee under Section 28(6) of the Localism Act 2011 for dealing with complaints of breach of the Code of Conduct, be noted.
- (6) That the appointments of Mr Stephen Lamley, Mr Tony James and Mr David Jordison as Independent Persons be extended to 1 May 2015.

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Mayor

(The meeting finished at 7.20pm.)

**Any queries regarding these minutes,  
please contact Debbie Chambers, Democratic Services - telephone (01524) 582057, or email  
dchambers@lancaster.gov.uk**

**1. QUESTION FROM MR BILLY PYE TO COUNCILLOR HANSON**

“As Cabinet Member with the Economic Regeneration and Planning portfolio, do you think that Lancaster City Council should be concerned that the general partner which controls Centros has its legal residence in an offshore tax haven?”

Councillor Hanson replied:

“Very recently Centros became part of the Sovereign Land group of companies. Sovereign Land is UK based.

Assuming the question is directed at the ownership of Centros, then clearly there are no offshore considerations.”

Mr Pye asked Councillor Hanson for a written response to a supplementary question about offshore tax avoidance measures and whether Councillor Hanson was happy for Council to continue its involvement in view of this.

Councillor Hanson said she wished to respond to that straight away at the meeting and that, if the question was meant to pick up on the guarantor position for the proposed scheme, then Centros was now seeking to secure a UK based guarantor. However, offshore companies regularly featured in many major developments and projects across the country and were therefore not an issue of general concern.

**2. QUESTION FROM MR PAUL SMITH TO COUNCILLOR BRYNING**

“As Cabinet member with the Finance, Revenues and Benefits portfolio, do you think that Lancaster City Council is taking part in an open, fair and transparent process designed to maximise its returns from the Canal Corridor site?”

Councillor Bryning replied:

“Over the years, the Council has considered various routes to progress regeneration of the site in line with its corporate priorities and objectives. This last point is very important - the Council is not just seeking to maximise financial returns, it is seeking to maximise regeneration returns too.

Nonetheless, the Council has gained advice from two external sources regarding valuation matters and has received confirmation that the proposal represents 'best consideration' - in line with its legal obligations to look after council tax payers' interests .

Given the commercial nature of negotiations, inevitably the details should not yet be made public as this can weaken the Council's negotiating position and unfortunately this can call into question the openness and transparency of the process. Full information has been shared with the Council's external auditor, however, and ultimately, once any agreement is implemented and any commercial sensitivities removed, the development agreement will be publicly available through the annual inspection arrangements for the Council's accounts.”

## LANCASTER CITY COUNCIL

### CODE OF CONDUCT

#### PREAMBLE TO THE CODE OF CONDUCT

This Preamble provides an explanatory introduction to the Members' Code of Conduct. It does not form part of the Code of Conduct, and in the event of any conflict between the Preamble and the Code, the Code shall take precedence.

##### **Introduction**

The City Council has adopted the following code dealing with the conduct that is expected of members and co-opted members of the Authority when they are acting in that capacity, as required by section 27 of the Localism Act 2011 ("the Act").

The Council has a statutory duty under the Act to promote and maintain high standards of conduct by Members, and the Code sets out the standards that the Council expects Members to observe.

The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code and the Protocols contained in the Council's Constitution, as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.

Members have a responsibility to ensure that they comply with the Code of Conduct in all respects. They should regularly review their personal circumstances and intended actions in the context of the Code.

If in doubt, Members should seek advice from the Monitoring Officer or Deputy Monitoring Officer, but the final decision and responsibility on how to act rests with Members themselves.

Members should not do anything in their capacity as councillors, which they could not justify to the public or could not justify by law. Members' conduct and what the public believe about their conduct will affect the reputation and credibility of Members and the Council as a whole.

It is not enough to avoid impropriety; perception is also important. Members should at all times avoid any occasion for suspicion and any appearance of improper conduct.

## **SEVEN GENERAL PRINCIPLES OF CONDUCT**

The Code is intended to be consistent with the following seven principles, as required by the Act.

### **Selflessness**

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

### **Integrity**

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

### **Objectivity**

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

### **Accountability**

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

### **Openness**

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

### **Honesty**

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

### **Leadership**

Holders of public office should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

**CODE OF CONDUCT**

**Part A  
General provisions**

**Introduction and interpretation**

1. —(1) This Code applies to **you** as a member of the Council

(2) It is your responsibility to comply with the provisions of this Code.

(3) In this Code—

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

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

**Scope**

2. —(1) Subject to sub-paragraph (2) you must comply with this Code whenever you—

(a) conduct the business of your authority (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 your authority,

and references to your official capacity are construed accordingly.

(2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

**General obligations**

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

(2) You must not—

(a) do anything which may cause your authority to breach the Equality Act 2010 (or subsequent legislation)

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the 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 the Council or the office of councillor into disrepute.**

**6. You must:**

(a) champion the needs of residents- the whole community and in a special way your constituents, including those who did not vote for you - and put their interests first, and

(b) deal with representations or inquiries from residents and visitors, fairly, appropriately and impartially

**7. 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.

**8.** —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) the Council's Chief Finance (section 151) Officer; or

(b) the Council's Monitoring Officer,

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

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

## **Part B Interests**

### **Section 1 Disclosable Pecuniary Interests**

This part explains the statutory requirements of the Localism Act 2011 (Sections 29-34) in relation to disclosable pecuniary interests. These are enforced by criminal sanction.

#### **1. Notification of disclosable pecuniary interests**

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

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) of the following descriptions:

(a) Details of any employment, office, trade, profession or vocation carried on for profit or gain

(b) Details of 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 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.

- (c) Details of 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 under which goods or services are to be provided or works are to be executed; and which has not been fully discharged.
- (d) Details of any beneficial interest in land which is within the area of the relevant authority.
- (e) Details of any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
- (f) Details of any tenancy where (to your knowledge) the landlord is the relevant authority; and the tenant is a body in which the relevant person has a beneficial interest.
- (g) Details of any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of the relevant authority; and 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 that 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.

For the purposes of the foregoing “relevant authority” means the City Council; “relevant period” means the period of 12 months ending with the day on which you notify the Monitoring Officer of your disclosable pecuniary interest, and “relevant person” means you or your spouse or partner as defined above.

## **2. Register of interests**

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the Council's website.

## **3. Sensitive interests**

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

## **4. Non participation in case of disclosable pecuniary interest**

a) If you are present at a meeting of the Council, Cabinet, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

- You may not participate in any discussion of the matter at the meeting.
- You may not participate in any vote taken on the matter at the meeting.
- If the interest is not registered, you must disclose the interest to the meeting.
- If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

In addition, the Council Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.

b) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

## 5. Dispensations

The Standards Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

## 6. Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer within 28 days of election of any disclosable pecuniary interest
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, fail to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

## 7. Notification of changes

Whilst not a requirement of the statute, the Council under this Code of Conduct requires you to notify the Monitoring Officer within 28 days of any new disclosable pecuniary interest, or any change to a disclosable pecuniary interest already notified/registered.

## Section 2

### Other Interests

## 8. Notification of Other Interests

(1) In addition to the foregoing, you must, within 28 days of this Code being adopted by or applied to your authority; or your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your interests within the following categories, for inclusion in the register of interests:

(a) Details of 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 your authority;

(b) Details of any body exercising functions of a public nature, any body directed to charitable purposes or any body 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;

(c) Details of any gift or hospitality with an estimated value of at least £50 that you have received in connection with your role as a member of the Council, and details of the donor.

(2) You must, within 28 days of becoming aware of any new interest or change to any interest registered under this paragraph notify the Monitoring Officer of the details of that new interest or change.

### **9. Disclosure of Other Interests**

(1) Subject to sub-paragraphs (2) to (6), where you have an interest described in paragraph 8(1) above or in paragraph (2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of that interest, and you attend a meeting of your authority 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) You have an interest in any business of your authority where 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 member of your family or any person with whom you have a close association, to a greater extent than the majority of other council tax payers.

(3) Where you have an interest in any business of the authority of the type mentioned in paragraph 8(1)(c), (gifts and hospitality) 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) Where you have an interest by virtue of paragraph 8(1) but, by virtue of paragraph 11, sensitive information relating to it is not registered in the register of members' interests, you must indicate to the meeting that you have an interest, but need not disclose the sensitive information to the meeting.

(5) Where you have an interest in any business of your authority by virtue of paragraph 8(1) or 9(2), 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.

### **10. Register of interests**

(1) Any interests notified to the Monitoring Officer under paragraph 8 above will be included in the register of interests.

(2) A copy of the register will be available for public inspection and will be published on the authority's website.

(3) Where a disclosable pecuniary interest is notified to the Monitoring Officer it need not be separately notified or separately registered as an interest under this section of the Code.

### **11. Sensitive interests**

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

### **12. Non participation in case of certain other interests**

(1) Subject to paragraphs (2) and (3) below, where you have an interest in any business of your authority by virtue of paragraph 8(1) or 9(2) **AND** 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 judgment of the public interest **AND** where that business—

(a) affects your financial position or the financial position of a person or body through whom the interest arises; or

(b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises,

you may not participate in any discussion of the matter at the meeting, and you may not participate in any vote taken on the matter at the meeting.

In addition, the Council Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.

(2) Where you have an interest in any business of your authority to which paragraph 12(1) applies, you may attend a meeting 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, and provided that you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

(3) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have an interest under paragraph 12(1) that relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) an allowance, payment or indemnity given to members;

(iii) any ceremonial honour given to members; and

(iv) setting council tax or a precept under the Local Government Finance Act 1992.

(4) Where, as an executive member, you may discharge a function alone, and you become aware of an interest under paragraph 12(1) in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.