

EAST HAMPSHIRE DISTRICT COUNCIL
PENNS PLACE
PETERSFIELD
HAMPSHIRE
GU31 4EX



Telephone: 01730 266551
Website: www.easthants.gov.uk

STANDARDS COMMITTEE AGENDA

Date: Thursday 19 December 2019
Time: 3.00 pm
Venue: Council Chamber, Penns Place, Petersfield, GU31 4EX

Membership: Councillor M Johnson (Chairman)

Councillors G Boxall, P Davies, D Evans, M Gass and B Moulard

Reserve: Councillor S Burns

The business to be transacted is set out below:

David Brown
Monitoring Officer

Date of Publication: 11 December 2019

Contact Officer: Cynthia Haveron 01730 234092
Email: cynthia.haveron@easthants.gov.uk



	Page
1 Apologies for Absence	
To receive and record apologies for absence.	
2 Chairman's Announcements	
3 Minutes	
To approve the minutes of the meeting held on 10 October 2019, previously circulated.	
4 Declarations of Interest	
To receive and record any declarations of interest from members present in respect of any of the various matters on the agenda for this meeting.	
5 Councillors Code of Conduct	1 - 38
The Committee are asked to consider the recommendations of the Standards Working Group.	
For Decision	

GENERAL INFORMATION

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NON-EXEMPT

EAST HAMPSHIRE DISTRICT COUNCIL

Standards Committee

18 December 2019

Councillors Code of Conduct
David Brown, Head of Legal Services

FOR DECISION

Portfolio: Non Executive

Key Decision: No

1.0 Purpose of the paper

- 1.1 This paper is submitted to the Committee to consider the recommendations from the Standards Working Group.
- 1.2 The paper also makes many recommendations for a full redrafting of the Code of Conduct in line with a number of the recommendations and Best Practise from the Report into the Standards in Public Life.

2.0 Recommendations

- 2.1 Agree the policy recommendations of the working group as set out in appendix 1, and invite full council to agree the incorporation of these principles in the revised Members Code of Conduct.
- 2.2 Invite to full council to consider the amendments to non-pecuniary interest and equality matters as set out in appendix 2

3.0 Executive summary

- 3.1 At its meeting on 10 October 2019, the Standards Committee created a Standards Working Group to consider the Report by the Committee for Standards in Public Life publish in January 2019, "*Local Government Ethical Standards*"
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF
- 3.2 The working group decided to consider the 26 recommendations and the 15 suggested best practice issues identified. Some of the recommendations required legislative or other external change and the working group did fully consider those elements but chose to concentrate on the recommendations where immediate impact could be made. As a result, 11 recommendations were fully considered and 15 best practice points.

3.3 The Working Group has met on two occasions since then and looked at the list of recommendations from the Report into the Standards in Public Life. A copy of the comments and the final recommendation is attached as an appendix to the first report at appendix 1.

3.4 The working group also considered proposed changes to pecuniary interests and equality issues that had been raised. After considerable debate the recommendations are captured in the second report at appendix 2

4.0 Additional budgetary implications

4.1 None

5.0 Background and corporate strategy and directorate business plan(s)

5.1 This aligns with the constitutional review.

6.0 Resource implications

6.1 This will require time commitment from the Monitoring Officer and Democratic Services to update the constitution as part of the Constitution review.

6.2 The adoption of best practice will require review and amendment to some of the underlying policies and procedure and will take several months to complete.

7.0 Legal implications

7.1 Best practice point 3 suggests an annual review and this opportunity is being used consider a wider refresh. This should have a positive benefit both in terms of clarity for members and the trust and confidence of the public. The greater the trust and confidence the lower the chances of challenge.

8.0 Significant risks

The do-nothing option risks stagnation, an early review will evidence a commitment to high standards in public life. Ensuring the Council's standards regime is kept up to date also assists in educating members and reducing the resource impact and reputational risk to the authority.

9.0 Consultation

Cabinet have been consulted on the papers at appendix 2. Full council will be required to approve any final amendments. This has also been mentioned at the East Hampshire Association of Parish and Town Councils and if approved a copy of these papers will be provided to the clerks for their kind consideration.

10.0 Communication

Any recommended changes will be fully published to all members, the public and parish/town councils

Agreed and Signed off by:

Monitoring Officer:
S151 Officer:

Contact Officer: Cynthia Haveron
Job Title: Democratic Services Officer
Telephone: 01730 234092
E-Mail: cynthia.haveron@easthants.gov.uk

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List of recommendations – Working Groups Comments

No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
4	Section 27(2) of the Localism Act 2011 should be mended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or representative of the local authority	Yes, I agree with this recommendation and agree even when commenting on social media that a councillor needs to be mindful of the code of conduct and act accordingly	Agree	This is highly desirable. Although we cannot enforce it without a change to the law, I presume, could we advise Councillors, within the CoC, that this should be their standard consideration	Slight amendments. The 'or representative' section seems redundant if it is only applying to members.	All agreed
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteehips; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Agree this should be included.		We cannot require this, but could we provide a space on the form for a Voluntary Disclosure, should a member wish to do so?		All agreed

No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over the value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Yes, I agree that gifts and hospitality over the value of £50 or over £100 over the period of a year from a single source should be registered.	Agreed	Could we add these figures to the existing Gifts Policy?	Agreed.	All agreed
7	Section 31 of the Localism Act 2011 should be repealed and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have an interest, whether registered or not “if a member of the public, with knowledge of the	In certain circumstances where a councillor who has registered a prior interest has some knowledge which may be add to the discussion said councillor should be permitted to answer general questions but then be required to leave before the discussion and vote	The member may be present during such discussions to answer any questions posed to them, as they may have information that may be of use. Whether they remain, having declared an interest, will be at the discretion	Agreed. We discussed this. The matter of what if a member so excluded persists in shaking head or nodding in a manner clearly intended (again – to a reasonable person) could maybe addressed by the Chairman. Maybe an	Agreed.	Agreed

	<p>relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration of decision-making in relation to that matter”</p>		<p>of the Chairman. They must not be present to witness any subsequent vote on relevant matters.</p>	<p>introduction of the item could include a “warning” against such behaviour and, if persistent, perhaps the Chairman could ask the offending member to leave the room for that item.</p>		
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No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
9	<p>The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice, minutes or other comparable record.</p> <p>.</p>	<p>Yes, I agree that this would be beneficial and comments should be minuted</p>	<p>Agreed</p>	<p>I can't see a problem with this. Can we implement it without statute? <i>Answer Yes</i></p>	<p>Minor change suggested.</p>	<p>Amendment agreed by Working Group in bold</p>
11	<p>Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if required.</p>	<p>This is vital that the independent person has the protection that indemnity would afford</p>	<p>Agreed</p>	<p>I can't see a problem with this. Can we implement it without statute?</p>	<p>Agreed.</p>	<p>Yes, provided you do 11.</p>

No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive, what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of the complaints, including if they are rejected as trivial or vexatious, and any sanctions applied.	I believe that this should be done and records updated annually	Agreed	I think this would be a good idea. I would add analysis by type of council (DC or PC) and estimates of costs incurred by EHDC in processing complaints by type. Highlighting the waste of time and money would supplement the transparency agenda.	Agreed, although I think it could be worded more clearly to specify what needs to be published e.g. include which section of the code of conduct the complaint relates to.	
20	Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	I have some concerns about this being made mandatory preferring a voluntary adoption process. At meeting agreed.	Agreed, though, can we say MUST.	If T&P C's are required to adopt the principal authority CoC it would simplify rules and make administration of complaints easier. Problems could arise if the PA were to adopt a	Agreed.	Strongly recommended

				<p>CoC that sought the circumscribe otherwise lawful actions of PCs, in say, publicly criticizing the PA. With the growth of hard left councils this is more than just a theoretical risk. The same would go for councils on the extreme right but these are not emerging. On the plus side, PCs could not amend their CoC to, for instance, delete a prohibition on bullying which I believe has happened.</p>		
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No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
22	The Local Authorities (Standing Orders) England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	I would like to discuss this further in terms of what the implications may be	Agreed	Having read the evidence (P83 of the report) this would seem to be an appropriate return to the previous system. Could we implement it without statute?	Agreed	Agreed
23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authorities website.	I have some concerns about making this publicly available. It may be more appropriate for this information to only be made available through FOI request	And if the complaint is about the whistleblowing champion or point of contact there must be an alternative who should be at least as senior and in a different and unrelated department.	It's not very clear but after checking the report this refers to a named person in the firm appointed as the External Auditor. However, staff change roles and come and go so a name and details may cease to work meaning the Code has to be amended plus the EA has to inform the Council that a	Agreed	Should not be a named individual as employees change. Only general contact number and email address

				<p>new person is dealing with this. The intention is a good one, but the detailed operation needs careful consideration.</p>		
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No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	An interesting one particularly as when Cllr Hunt requested whether we as a Lib Dem group could apply for political training by ALDC this request was denied by EHDC . Would political groups have the cost reimbursed? Also, what about independents?	May be being a little dim so apologies. Councillors attend EHDC in our case training, why do we have the requirement for politically led training? I have had EHDC training but no Cons group training. EHDC training is fine?	Must attend - ok, they should but what if they refuse or just fail to attend? Without a sanction how would it be assured? Maybe a public register on the Councils website recording who had attended would supplement it and give the public confidence that their elected representatives have undergone the training necessary to equip them to carry out their duties competently. This could be extended to	Agreed	With agreement of Leaders of parties

				publish a matrix showing which Councillors had attended what training.		
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List of Best Practice – Cllr Comments

	Comments	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 1	Local Authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by each definition.	This would be helpful and should be included	Agreed	Good idea. Consider mentioning, as an example of harassment, racist and anti-Semitic abuse.	Suggest including a model definition or cross referencing to a widely accepted definition from an independent body (e.g. ACAS - https://www.acas.org.uk/bullying)	Agreed
Best Practice 2	Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and in prohibiting trivial or malicious allegations by councillors.	Yes, I agree with this and it should be mandatory	Agreed	This is a good idea, providing that appropriate sanctions are available. Reports are coming in of Councillors being hounded out by tight factional groups, even	Agreed.	Agreed

				within their own party. Not that this is conceivably a problem at EHDC.		
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	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 3	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.	This would be a sensible requirement	Agreed	Sounds good until you consider what the admin burden, and hence cost, of the wide-ranging annual review suggested would be. It's always easy to add bureaucracy just in case something bad might happen but much more difficult to remove it. Suggest a short annual review and maybe a longer one every 5 years. As the intention is to	Agreed, although is there a reason to specify neighbouring authorities as opposed to other authorities in general? This seems like something that would be fairly universal.	Following an election cycle

				curb bad behaviour, maybe a "by exception" procedure would work better. If one sees examples of what is clearly bad behaviour but which is not really covered by the CoC, then review it to see if an amendment is indicated.		
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	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 4	An authorities' code should be readily accessible to both councillors and the public, in a prominent position on the council's website and available in council premises.	Yes, I agree	Agreed	Prominent on website sounds good in principle. Problem is that landing page is already very busy and is in any case dynamic, changing to suit what's going on. Website also has to work well on a smartphone which rather restricts what is there.	Agreed.	
BP5	Local authorities should update their gifts and hospitality register at least once per	This would be preferable, at least on a	Agreed	Ok, no reason why not, but we should attach the rules	Agreed.	

	quarter, and publish it in an accessible format, such as CSV.	six-monthly basis		at the top so that, if there are no gifts some of our more cynical residents will not just assume we're not declaring them.		
No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 6	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	I feel I would like more detail on this before commenting	Agreed	Good idea, but I'm not sure how easy it would be to draught such a thing. Suggest giving a few of the no-so-obvious examples.	Agreed.	
BP7	Local authorities should have access to at least two Independent Persons	<i>East Hampshire District Council has 3 Independent Persons in place already.</i>	<i>East Hampshire District Council has 3 Independent Persons in place already.</i>	<i>East Hampshire District Council has 3 Independent Persons in place already.</i>	<i>East Hampshire District Council has 3 Independent Persons in place already.</i>	

BP8	An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious or trivial.	<i>East Hampshire District Council already consults the IP</i>	<i>East Hampshire District Council already consults the IP</i>	<i>East Hampshire District Council already consults the IP</i>	<i>East Hampshire District Council already consults the IP</i>	
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	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 9	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, or hearing a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations; the view of the	The individual should not be publicly named and shamed in my view. A more general remark stating which council and said misconduct but no personal	Agreed	OK, if the investigation found there had been a breach, but would you post details even if no breach was found or if it was deemed vexatious?	Agreed.	

	Independent Person, the reasoning of the decision-maker and any sanction applied.	details on a public website				
	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 10	A local authority should have straightforward and accessible guidance on its website on how to make a compliant under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.	Yes, this would be helpful and should be on the public website	Agreed.	Agreed, but same comment as BP4	Agreed.	All ready being done

No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 11	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.	This would be a good safeguard but may not always be appropriate	Agreed.	Parish Councils should have a rule about this. If one is in a District CoC then they can adopt it. Obviously, formal complaints by a Cllr against a Clerk cannot be dealt with by the Clerk. They will need access to someone	Agreed.	

				<p>outside, presumably the District Monitoring Officer. I cannot imagine under what circumstances where a Clerk has made a complaint about a Councillor, for instance, it would be appropriate for the Clerk to adjudicate on it.</p>		
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	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.	This is to be desired but may not always be possible due to volume of work	Agreed.	T&PCs elect every 4 years. It would seem that training should be available soon after elections with maybe a top up after 2 years as P Cllrs tend to churn.	Agreed.	

	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.	This seems like good guidance and should be adopted	Agreed.	This should not, I presume, affect every standards investigation. How and who would decide if a conflict required an external MO? It would not be nil cost so it should be only for sufficiently serious matters.	Agreed.	

	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 14	Councils should report on sperate bodies they have set up which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.	This should be adopted	Agreed.	I would like clarification on this. Take the case of joint ventures on waste collection, or sports facilities. These don't last for ever. I think we have to be careful about making public information that could, in a few years' time prejudice a negotiation to set up a new JV to replace the old one. Maybe that's just rubbish and it's comparable to a Limited Company's accounts, although small	Agreed.	

				companies are exempt from publishing detailed accounts.		
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	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	This is ideal but may not be feasible	Agreed.	OK but: How often, who sets the agenda, what is “an issue”, do they meet on a 1:1 and what about independents who have no common electorate to represent and no disciplinary role or constitutional arrangements?	Agreed.	

NON-EXEMPT**EAST HAMPSHIRE DISTRICT COUNCIL**

Council**16 January 2020****APPROVAL FOR INTERIM AMENDMENTS TO THE CODE OF CONDUCT****Chairman of Standards Committee****FOR RECOMMENDATION TO FULL COUNCIL****Director: Chief Financial Officer****Author: Head of Legal Services**

1.0 Purpose of the paper

- 1.1 This paper is to inform Full Council of an amendment to the Code of Conduct in relation to other interests. The Localism Act 2011 provides a statutory regime for pecuniary interests for local authorities and allows individual councils to consider how members deal with other interests in their own area that is consistent with local need.
- 1.2 EHDC's Code of Conduct is a light touch code and does not currently offer any guidance on how members should address other interests. The suggested amendments are an interim proposal pending full review of the constitution to assist members of both the district and parish councils in deciding how best to approach other interests when a potential conflict is identified.

2.0 Recommendations

- 2.1 Agree the amendment to the Code of Conduct in respect of other interests as set out in Appendix 1.
- 2.2 Agree the amendment to the Code of Conduct in respect of equalities to support confidence in the Office of Councillor as set out in Appendix 2.

3.0 Executive summary

- 3.1 The constitution of EHDC is being reviewed through a joint sub-committee. The full Code of Conduct review will be undertaken by a working group of the Standards Committee and will make recommendations to the constitutional sub-committee. The sub-committee is due to report to Full Council with a fully revised Code of Conduct in good time for adoption at

Annual Council in May 2020. This amendment is an interim measure to assist members and to give effect to recommendation 7 of the recent report by the Committee for Standards in Public Life - titled *Local Government Ethical Standards* published in January 2019.

- 3.2 The Localism Act through primary legislation, supported by statutory instrument, concentrates on the disclosure and registration of pecuniary interests. This was felt so important, that a breach of those regulations constitutes a criminal offence. It should be noted that these pecuniary interests cover not only the elected members, but also their partners.
- 3.3 Local authorities are not required by statute to include non-pecuniary interests on a register of interests, nor is there a statutory obligation to inform members on how to deal with non-pecuniary interests when they arise. These other interests have over the years been described as prejudicial interests, non-pecuniary interests, disclosable other interests and so on.
- 3.4 The absence of a statutory test means the member must rely on the common law principles, which is a reasonable bystander test. There have been many formulations and both Wales and Scotland have their own guidance.
- 3.5 The essence of the test is an attempt to identify if an interest amounts to an 'other' interest by asking:
- if the interest is it one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to, or be perceived to, prejudice your balancing of the public interest, or your role in decision making, as a councillor. If the answer is yes, then it is likely to be an 'other' interest.
- 3.6 This is in part covered by a reference in the Code of Conduct to Planning committees, but our Code of Conduct is silent on other circumstances. It is therefore proposed that this void is filled on an interim basis by the additional of the words in Appendix 1.
- 3.7 Councillors, particularly those holding office over a long period of time, have a high degree of involvement in the community. It is a primary function of a councillor to be involved in the community and may arise through appointments at Full Council to outside bodies, or it may be that they have a genuine outside interest. It is important the Councillors are confident in understanding where in EHDC the balance between a positive contribution to debate through well informed community knowledge and an interest that requires disclosure is drawn.
- 3.8 It is therefore suggested, that clarification is provided in the case of other interests, such as where a member is about to be, or has recently been in, a position of control or a guiding mind of another organisation, such as a committee member, treasurer, or trustee. In such circumstances there is likely to be such a close connection with that organisation that, if business

came before the council in relation to that body, it is likely a reasonable bystander would assume the relationship may influence a member's ability to make a fair and impartial decision.

- 3.9 It is not proposed to create a register of these other interests as an interim measure, but to make a clear requirement that when a matter or business of the council where an interest arises is discussed, the member is under an obligation to disclose it. After disclosure the current code of conduct does not require the member to take any defined steps, it is therefore suggested (and this is consistent with the recommendation of the recent report), if an interest is sufficient to require a declaration then the member should take no further part in the discussion, should leave the meeting and not vote.
- 3.10 The wording in Appendix 1 also attempts to make it clear that mere membership of an organisation or links to an organisation would not be sufficient in most circumstances to create a declarable interest. The member will need to consider their own circumstances and it will be up to the individual member in each case to consider the nexus of their relationship with the organisation when weighed against the matter to be discussed at the meeting.
- 3.11 It is not possible to completely divorce standards and ethical conduct from the political environment. The suggested clarification of the code is, in part, designed to allow members a defensible route for decision making and allow members of the public to understand that not all interests prohibit members from participation in debate and vote on business before the council.
- 3.12 This would have no impact on the obligations of councillors under section 25 of the Localism Act 2011, which draws a firm distinction between pre-disposition and pre-determination and is relevant to the participation of councillors in certain decisions or votes.
- 3.13 Appendix 2 arises from an issue raised at the Standards Committee which aligns with the general issues around the conduct of a councillor bringing the office of councillor into disrepute. It was suggested that, as leaders in the community, Councillors were in a position where they should positively promote the issues of equality and tolerance.
- 3.14 It is suggested that specific wording may be included to reinforce that all members of have an obligation when making political statements, announcements or when in debate that their choice of language is important. It was suggested that a statement giving a positive community leadership role would assist and reassure the public that no matter how difficult or sensitive a subject the Councillors of EHDC would not use language that denigrates, incites ill will, or injures, or is harmful to any group of people on the grounds of any of the known protected characteristics in Section 4 Equality Act 2010.

4.0 Additional budgetary implications

4.1 None

5.0 Background and corporate strategy and directorate business plan(s)

5.1 This links directly to the production of a revised constitution as delegated by council to the sub-committee which met on the 14 October 2019.

6.0 Options and reasons for recommending relevant option

6.1 Option 1: Do Nothing. This option is the simplest and requires no effort and little resource.

6.2 Option 2: Accept the recommendation which will in part will mitigate the gap in the code of conduct and hopefully assist members and ensure the council maintains its reputation for high public confidence.

7.0 Equality Impact Assessment

7.1 If Appendix 2 is adopted, there will be a clear commitment to promoting equality.

8.0 Resource implications

7.1 Financial implications: None

7.2 Human Resource implications: None

7.3 Information Governance implications: None

7.4 Other resource implications: Additional resource implications will be met by the Monitoring Officer team out of existing resources.

9.0 Legal implications

9.1 The proposed amendments will assist in reducing risk. It will assist District Councillors and if adopted Parish Councillors in determining their obligations under the Code of Conduct. It will give early implementation of one of the report recommendations in which it was stated that the current regime was too 'light touch' to maintain the public confidence.

10.0 Significant risks

10.1 The do-nothing option risks future challenge. The risk of challenge increases over time as there is more opportunity for mis-judgements to occur.

11.0 Consultation

11.1 This is a recommendation from the Standards Committee.

12.0 Communication

12.1 The constitution will be republished in its amended form.

Appendix 1 - 2

Appendix 1 Suggested wording in respect of 'other' interests

Appendix 2 Suggested wording in respect of equalities and confidence in the office of Councillor.

Agreed and Signed off by:

Monitoring Officer:

S151 Officer:

Portfolio Holder:

Contact Officer: David Brown
Job Title: Interim Head of Legal Services
Telephone: 023 9244 6524
E-Mail: David.Brown@easthants.gov.uk

Appendix 1 – to be inserted at

East Hampshire District Council Code of Conduct for Councillors as new paragraph 8 and to subsequent renumbering of remaining paragraphs.

Non-pecuniary interests or other interests

8. Disclosure of Other Interests

(1) Where you have an interest described in subparagraph (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) A disclosable interest is a non-pecuniary interest and 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.

Disclosable interests may arise in any situation. Some examples are provided to assist Councillors interpreting the facts of their own circumstances.

- a) Where a councillor is a member or in a position of general control or management of another body as a result of appointment or nomination by your authority.
- b) Where a councillor is a senior member or in a position of general control or management of another body such as a committee member, treasurer, trustee of another body.
- c) Where a Councillor has received a gift or hospitality within the last 12 months with an estimated value of at least £50.
- d) Where it might reasonably be regarded as affecting your well-being, benefitting 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 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, you may state that you have an interest, the details of which are withheld with the agreement of the Monitoring Officer

(4) Where a Councillor has a disclosable interest, they may [be present but] not participate in any discussion of the matter at the meeting and may not participate in any vote taken on the matter at the meeting.

Appendix 2 - Equalities and Confidence in the office of Councillor.

To be inserted under paragraph 8 as new (xvii) and renumber the remaining paragraphs.

(xvii) To promote equal treatment and access to services for all people. Where possible challenge language that denigrates, incites ill will, injures, or is harmful to any group of people, in particular on the grounds of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

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