

# HAMPSHIRE COUNTY COUNCIL DRAFT CODE OF CONDUCT FOR MEMBERS

## Part 1: General Provisions and Interpretation

### 1. Introduction

This Code of Conduct is adopted by the County Council pursuant to its statutory duty to promote and maintain high standards of conduct by Members and Co-opted Members of the County Council. This Code applies to all Members and Co-opted Members of the County Council.

This Code is based on and is consistent with the following principles:

**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 and 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 all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** 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 example.

## **2. Scope**

This Code applies to all Members and Co-opted Members of the County Council when acting in their official capacity, or when giving the impression that they are acting as a representative of the County Council.

Where a Member or Co-opted Member is a member of more than one local authority, but acting on behalf of the County Council, such Member or Co-opted Member is, for the avoidance of doubt, bound by this Code of Conduct.

## **3. General obligations of Members and Co-opted Members**

As a Member of Hampshire County Council, your conduct will address the statutory principles of the Code of Conduct by:

- 3.1 Representing the needs of residents – the whole community and as a local member your constituents, including those who did not vote for you - and putting their interests first.
- 3.2 Dealing with representations or enquiries from residents, members of communities within the administrative area of Hampshire County Council and visitors fairly, appropriately and impartially.
- 3.3 Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the County Council's area, or the good governance of the County Council in a proper manner.
- 3.4 Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a Member or Co-opted Member of the County Council.
- 3.5 Listening to the interests of all parties, including relevant advice from statutory and other professional officers of the County Council, taking all relevant information into consideration, remaining objective and making decisions on merit.
- 3.6 Being accountable for your decisions and co-operating when scrutinised internally and externally, including by local residents.
- 3.7 Contributing to making the County Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other Members to account.
- 3.8 Restricting access to information when the wider public interest, the County Council's Constitution, or the law requires it.

- 3.9 Behaving in accordance with all the County Council's legal obligations, alongside any requirements contained within the County Council's policies, protocols and procedures.
- 3.10 Ensuring that when using or authorising the use by others of the resources of the County Council that you act in accordance with the County Council's reasonable requirements, and that such resources are not used improperly for political purposes.
- 3.11 Having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or otherwise.
- 3.12 Not doing anything which might cause the County Council to breach any equalities legislation.
- 3.13 Valuing your colleagues and Officers of the County Council and engaging with them in an appropriate manner and one that underpins the mutual respect between you and them that is essential to good local government.
- 3.14 Always treating people with respect and propriety, including other Members, Co-opted Members and Officers of the County Council and the organisations and public you engage with and those you work alongside.
- 3.15 Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the County Council.

## **Part 2: Registration and Disclosure of Disclosable Pecuniary Interests and Personal and Prejudicial Interests**

### **1. General Obligations**

- 1.1 You must, within 28 days of taking office as a Member or Co-opted Member of the County Council, notify the County Council's Monitoring Officer of any disclosable pecuniary interests as defined by regulations made by the Secretary of State (as set out at Part 3 of this Code), 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.
- 1.2 In addition, you must, within 28 days of taking office as a Member or Co-opted Member of the County Council, notify the County Council's Monitoring Officer of any personal interest which the County Council has decided should be included in the County Council's Register of Members' Interests (as set out at Part 4 of this Code).

- 1.3 You must also, within 28 days of becoming aware of any new disclosable pecuniary interest or any personal interest the County Council has required to be registered, or change thereto, notify the County Council's Monitoring Officer of such new or changed interest.
- 1.4 If you have an interest included on the Register of Members' Interests (disclosable pecuniary interest or personal interest), you must disclose this interest at any meeting of the County Council, its Committees or the Executive at which you are present and participating in the business. Such interest should be discussed at the commencement of consideration of the business or when the interest becomes apparent. Where an interest is a 'sensitive interest'<sup>1</sup>, you need only disclose the fact that you have a disclosable pecuniary or personal interest in the matter being considered and do not need to disclose details of the interest itself.
- 1.5 If an interest (disclosable pecuniary interest or personal interest) required to be registered has not been entered onto the County Council's Register of Interests, then you must also disclose the interest to any meeting of the County Council, its Committees or the Executive at which you are present where you have such an interest in any matter being considered. Such interest should be discussed at the commencement of consideration of the business or when the interest becomes apparent. Where an interest is a 'sensitive interest', you need only disclose the fact that you have a disclosable interest in the matter concerned and do not need to disclose details of the interest itself. Following disclosure of an interest not on the County Council's Register or the subject of pending notification, you must notify the Monitoring Officer of such interest within 28 days, beginning with the date of disclosure.
- 1.6 Where you have a personal interest in the business of the authority of the type referred to in Part 4, paragraph 1.5 (gift or hospitality) you need not disclose the nature or existence of the interest if the interest was registered more than three years before the date of the meeting.

## **2 Additional Requirements in the case of participation in cases of Disclosable Pecuniary Interests and Prejudicial Interests**

- 2.1 Unless a dispensation has been granted by the County Councils' Conduct Advisory Committee, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest or a prejudicial interest (as set out at Part 5 of this Code), and must as soon as it becomes apparent that you have such an interest

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<sup>1</sup> A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest (disclosable pecuniary interest or otherwise), and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

(save for in circumstances set out at paragraph 2.2 below) withdraw from the chamber or room where the meeting considering the business is being held, and must not seek improperly to influence a decision about that business. If acting as a single Executive member you may not take any further steps in relation to the matter other than for the purpose of arranging for the matter to be dealt with otherwise than by yourself.

- 2.2 Without prejudice to paragraph 2.1 above, where you have a disclosable pecuniary interest or prejudicial interest in any business of the County Council (including any meeting of a Select (Overview and Scrutiny) Committee of the County Council) you may, notwithstanding such disclosable pecuniary interest or prejudicial interest, attend such meeting for the purpose of making representations, answering questions or giving evidence relating to such business, provided members of the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- 2.3 In any case where paragraph 2.2 above applies, you must withdraw from the chamber or room immediately after making representations, answering questions, or giving evidence.
- 2.4 For the avoidance of doubt the restrictions contained at paragraph 2.1 above only apply in cases where a Member has a disclosable pecuniary interest or prejudicial interest in a matter, and do not apply in cases where a Member has a personal interest in a matter only.

## **Part 3: Disclosable Pecuniary Interests**

### **1. Introduction**

A disclosable pecuniary interest is an interest falling within the Schedule set out at Paragraph 3 below of:

- 1.1 Yourself; or
- 1.2 Your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest.

### **2. Interpretation**

In the Schedule set out at Paragraph 3 below, the following words or expressions mean as follows:

- 2.1 'the Act' means the Localism Act 2011;

- 2.2 '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;
- 2.3 'director' includes a member of the committee of management of an industrial and provident society;
- 2.4 '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;
- 2.5 'M' means a member of a relevant authority;
- 2.6 'member' includes a co-opted member;
- 2.7 'relevant authority' means Hampshire County Council of which M is a member;
- 2.8 '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;
- 2.9 '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<sup>2</sup> and other securities of any description, other than money deposited with a building society.

### 3. Schedule of disclosable pecuniary interests

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the 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 <sup>3</sup> .
Contracts	Any contract which is made between the relevant person (or a body in

<sup>2</sup> 2000 c. 8.

<sup>3</sup> 1992 c. 52

	<p>which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (along or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge):
	<p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

#### **Part 4: Personal interests**

- 1 You have a personal interest in the business of the County Council when it relates to or is likely to affect :
  - 1.1 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 County Council.

- 1.2 any body
- (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) 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

- 1.3 any employment or business carried on by you other than for profit or gain;
- 1.4 any person or body who employs you other than for profit or gain, or who has appointed you;
- 1.5 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

2 You also have a personal interest in the business of the County Council when a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position, or the well-being or financial position of a relevant person (as defined at paragraph 3) below, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division within the administrative area of the County Council affected by the decision;

3 In Paragraph 2, a “relevant person” is:

- 3.1 your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest; or
- 3.2 another member of your family, or any person with whom you have a close association, where you are aware that that other person has the interest; or
- 3.3 any person or body who employs or has appointed such relevant person, any firm in which such relevant person is a partner, or any company of which such relevant person is a director; or
- 3.4 any body of a type described in paragraph 1.1 or 1.2 above.

## **Part 5      Prejudicial Interests**

### **1.      Prejudicial Interest.**

Subject to paragraph 2 below, where you have a personal interest in any business of the County Council, you also have a prejudicial interest in that business when the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

### **2.      Limitation on extent of prejudicial interests**

- 2.1    You do not have a prejudicial interest in any business of the County Council where that business does not affect your financial position, or the financial position of a body or relevant person as described in Part 4 of this Code; or
- 2.2    does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or a body or relevant person as described in Part 4 of this Code; or
- 2.3    relates to the functions of the County Council in respect of
  - (a)    housing, where you are a tenant of the County Council provided that those functions do not relate particularly to your tenancy or lease;
  - (b)    school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (c)    statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of or are entitled to the receipt of such pay;
  - (d)    an allowance, payment or indemnity given to members;
  - (e)    any ceremonial honour given to Members; and
  - (f)    setting council tax or a precept under the Local Government Finance Act 1992.

**3. Prejudicial interests arising in relation to Select (Overview and Scrutiny) Committees**

You also have a prejudicial interest in any business before a Select (Overview and Scrutiny) Committee of the County Council (or a Sub-Committee of such a Committee) where :

- 3.1 that business relates to a decision made (whether implemented or not) or action taken by the Executive, County Council Committee, Sub-Committee, Joint Committee or Joint Sub-Committee; and
- 3.2 at the time the decision was made or action was taken, you were a member of the Executive, County Council Committee, Sub-Committee, Joint Committee, or Joint Sub-Committee as mentioned in paragraph 3.1 above, and you were present when the decision was made or action was taken.

## Existing Hampshire County Council Members' Code of Conduct

### Part 1: General provisions

#### Introduction and interpretation

- 1 (1) This Code applies to **you** as a member of Hampshire County Council.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State(a).
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code “meeting” means any meeting of
- (a) Hampshire County Council;
  - (b) the Executive of Hampshire County Council;
  - (c) any of Hampshire County Council or its Executive’s Committees, Sub-Committees, Joint Committees, Joint Sub-Committees, or Area Committees;

“member” includes a co-opted member and an elected member of Hampshire County Council.

“your authority” means Hampshire County Council

- (5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the Monitoring Officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the local Government Act 2000.
- (6) Where you are a member of more than one local authority, but acting on behalf of the County Council, you are, for the avoidance of any doubt, bound by this Code of Conduct.

#### Scope

- 2 (1) Subject to sub-paragraphs (2) to (5), 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) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
  - (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
  - (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
  - (5) Where you act as a representative of your authority
    - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's Code of Conduct; or
    - (b) on any other body, you must, when acting for that other body, comply with your authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **General obligations**

- 3 (1) You must treat others with respect.
- (2) You must not
  - a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a));
  - 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, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

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 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

- reasonable and in the public interest; and
- made in good faith and in compliance with the reasonable requirements of the authority; or

b) prevent another person from gaining access to information to which that person is entitled by law.

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

6 You

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage, or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority

- (i) act in accordance with your authority's reasonable requirements;
- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7 (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by

- (a) your authority's chief finance officer; or
- (b) your authority'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 your authority.

## **Part 2: Interests**

### **Personal Interests**

8 (1) You have a personal interest in any business of your authority where either

- (a) it relates to or is likely to affect
  - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
  - (ii) any body
    - (aa) exercising functions of a public nature;
    - (bb) directed to charitable purposes; or
    - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)  
Of which you are a member or in a position of general control or management;
  - (iii) any employment or business carried on by you;
  - (iv) any person or body who employs or has appointed you;
  - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities or that person or body that exceeds the nominal value of £25,000 or

one hundredth of the total issued share capital  
(whichever is the lower);

- (vii) any contracts for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - (viii) the interests of any person from whom you have received a gift or hospitality with an estimate value of at least £25;
  - (ix) any land in your authority's area in which you have a beneficial interest;
  - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are remunerated director, or a person or body of the description specified in paragraph(vi) is, the tenant;
  - (xi) any land in your authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
  - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decisions; or
  - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) in sub-paragraph (1)(b), a relevant person is
- (a) a member of your family or any person with whom you have a close association; or
  - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

### **Disclosure of personal interests**

- 9 (1) Subject to sub-paragraphs (2) to 97), where you have a personal interest in any business of your authority 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) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph (8)(1)(a)(i) or (8)(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(i)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest
- (7) In this paragraph, 'executive decision' is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000 (a).

### **Prejudicial interest generally**

- 10 (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a

prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

- (2) You do not have a prejudicial interest in any business of the authority where that business
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
  - (c) relates to the functions of 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) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
    - (iii) statutory sick pay under Part XI of the Social Security Contributions and benefits Act 1992, where you are in receipt of or are entitled to the receipt of such pay;
    - (iv) an allowance, payment or indemnity given to members;
    - (v) any ceremonial honour given to members; and
    - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

**Prejudicial interests arising in relation to overview and scrutiny committee**

- 11 You also have a prejudicial interest in any business before a Select (Overview and Scrutiny) Committee of your authority (or of a sub-committee of such a committee) where
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

- (b) at the time the decision was made or action was taken, you were a member of the executive committee, sub-committee, joint committee, or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

### **Effect of prejudicial interests in participation**

- 12 (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority
  - (a) you must withdraw from the room or chamber where a meeting considering the business is being held
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's Standards Committee;

  - (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## **Part 3: Registration of Members' Interests**

### **Registration of members' interests**

- 13 (1) Subject to paragraph 14, you must, within 28 days of
  - (a) this Code being adopted by or applied to your authority; or
  - (b) your election or appointment to office (where that is later), register in your authority's register of members' interests

(maintained under section 81(1) of the local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

### **Sensitive information**

- 14 (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstance which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, 'sensitive information' means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.