

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on
18th July 2007 commencing at 7 p.m.

Present: Cllrs. Mrs. Dyball, Loney, Mrs. Morris and Mrs. Parkin.

Independent Members: Mr. A. Riddell and Mr. A. Smith.

Town/Parish Representative: Mr. J. London

Apologies for absence were received from Cllr. Dibsdall, Mr. P. Hobbs, Cllr. Ryan, Mrs. S. Schofield and Mr. Taylor.

127. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

Resolved: That Mr. Riddell be elected as Chairman of the Committee for the ensuing municipal year.

Resolved: That Mr. Hobbs be elected as Vice-Chairman for the ensuing municipal year.

128. MINUTES OF THE LAST MEETING

Resolved: That, the minutes of the meeting of the Committee held on 1st March 2007 be agreed and signed by the Chairman as a correct record.

129. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of any matter discussed or voted on during the meeting.

130. THE STANDARDS BOARD FOR ENGLAND

The Chairman welcomed Mr. Nick Marcar to the meeting. Please find the website link to Mr. Marcar's presentation "The Code of Conduct – Is there a better way?" set out below:

<http://cmis.sevenoaks.gov.uk/CMISWebPublic/Binary.ashx?Document=6750>

Mr. Marcar advised that he had started his career by working for the Department of Trade and Industry for 20 years when he was involved mainly in statutory investigations regarding fraud and insider dealing. He had then worked for four and a half years as an Ethical Standards Officer for the Standards Board for England. He currently worked for Grant Thornton UK.

He gave a presentation on his experiences as an Ethical Standards Officers and shared his thoughts on the Code of Conduct and whether there was a better way.

After a wide ranging discussion on this subject, the Chairman thanked Mr. Marcar on behalf of the Committee for his time and excellent presentation.

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131. MEMBERS' CODE OF CONDUCT – ADOPTION OF NEW CODE (SEE REPORT 5 – 18.07.07)

Further to Standards Committee (01.03.07), the Committee was advised that the District Council had until the 1st October 2007 to adopt the Members' Code of Conduct. It was therefore intended for the recommendation of this Committee to be submitted to the meeting of Council to be held on 25th September 2007. If the Code was not adopted at this meeting then the Members of the Council would automatically be covered by the Code.

The Standards Board for England had recommended that the Code be adopted in its model form, without amendment. The Board considered that this approach would give certainty to Members and the public as to what standards were expected. It would also ensure consistency throughout local authorities, avoiding confusion for Members on more than one authority and for the public. It was also considered that it would minimise the legal risk of an authority adopting additional provisions which were unenforceable. However, the Board had also recommended that a preamble be included in the Code. The Monitoring Officer also drew Members' attention to the paragraph in italics that she had formulated at the end of the Code on pre-determination and bias in decision-making. Members were advised that this issue had not been incorporated in the Code as the Government had felt that it was an accepted part of common law.

The Committee made the following points:

- In relation to the additional paragraph in pre-determination and bias in decision-making, a discussion took place on whether or not it should be part of the Code or simply attached as guidance or as an explanatory note. It was decided not to include it as part of the Code. There was a recommendation that it could be included in subsequent guidance.

Resolved: That the Councillors' Code of Conduct as attached to these minutes at Appendix A be recommended to Council for adoption.

132. MEMBERS' REGISTER OF INTERESTS (SEE REPORT 6 – 18.07.07)

The Monitoring Officer advised that there had been no transitional provisions which would enable the carrying forward of existing registrations of Members' interest. Accordingly every Member would be required to complete a new register of interests form within 28 days of the day on which the District Council adopted the Members' Code of Conduct. She drew attention to new parts of the form including the subject of sensitive information and explained that she had designed the new form by directly transferring text from the legislation and then adding explanatory advice in italics after each entry.

Concern and some confusion were expressed over the need to declare the receipt of gifts and hospitality over the value of £25.00 over the preceding three years retrospectively. The Monitoring Officer advised that Member would only have to declare such an interest from the date of the adoption of the Code but must declare a personal interest if a related matter came up for discussion at meetings. Members noted that a register had always been available for Member to declare the receipt of

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gifts and hospitality and this could be checked for historical declarations at any time.

With regard to town and parish councils, the Monitoring Officer advised that guidance had been given on this matter before the elections and some parish/town councils had since devised a form of their own and some intended to adapt the District Council's form.

Concern was raised about recording the advice given by the Monitoring Officer regarding a decision not to record sensitive information on a Members' Register of Interests form. The Committee agreed that the Monitoring Officer should keep a register on when agreement was reached that sensitive information would not be recorded. It was noted that there would be no need to record the sensitive information on this register and that the information would be supplied in confidence and would therefore be exempt under the Freedom of Information legislation.

It was suggested that a similar arrangements to the Members' Induction Session be employed to assist Members' to complete the new form e.g. having an Officer available to answer questions on completing the form.

ACTION 1: The Monitoring Officer to check that the legislation has been replicated accurately in the new form and make changes if appropriate.

ACTION 2: The Monitoring Officer to keep register of when agreement was reached that sensitive information would not be recorded on a Members' interest form.

ACTION 3: Arrangements to be made for an appropriate Officer to be made available to advise Members on completion of the new form.

Resolved: That the new Member's Register of Interests Form as attached to these minutes at Appendix B be approved.

133. PROTOCOL ON GIFTS AND HOSPITALITY FOR MEMBERS (SEE REPORT 7 – 18.07.07)

The Committee noted that gifts and hospitality worth £25 or over must now be included in the Member's Register of Interests. This meant that such gifts and hospitality were now a personal interest and must be declared at any meeting where a matter relating to that interest was discussed. Guidance on the acceptance and registration of gifts and hospitality was set out in the Protocol on Gifts and Hospitality.

The Monitoring Officer drew the Committee's attention to the form at the end of the draft Protocol which gave guidance on the details a Member needed to give. This form, should Members chose to use it, could then be attached to a Members' Interest form.

Resolved: That the Protocol on Gifts and Hospitality for Members as attached to these minutes at Appendix C be approved.

134. TERMS OF REFERENCE OF THE COMMITTEE (SEE REPORT 8 – 18.07.07)

The Monitoring Officer advised that a complete review of the Constitution was currently being undertaken and this was the part of that document that concerned the Standards Committee. She explained that she had checked with the Council's Section 151 Officer with regard to the terms of reference that referred to Ombudsman investigations and he had agreed that this could come under the terms of reference for the Services Select Committee or the Performance and Governance Committee and could therefore sensibly be removed from this Committee's terms of reference.

Resolved: That the Standards Committee's Terms of Reference, Composition, Membership etc as set out in Appendix D and the inclusion of various previously adopted Codes and Protocols, be recommended to Modern Local Government Group for adoption by full Council.

135. DISCIPLINARY HEARINGS AND THE PRESS AND PUBLIC

Mr. Smith reported that he had lunch with the editor of the Sevenoaks Chronicle who had attended the Standards Committee Determination hearings held on 1st November 2006 and it transpired that the editor did not understand the remit of the Committee, the process of the hearings, the terms of reference or the Committee's place in law. He had also been aggrieved that he had not been formally advised of the date of the hearing. Mr. Smith felt that the press could be kept informed of the date of hearings and perhaps there was a need to educate members of the public in some way.

The Chairman suggested that a guidance on the process could be written and could be used as a press release and a briefing note to all attendees of hearings.

ACTION 4: The Monitoring Officer and Committee Services Manager to provide a short briefing note to be circulated to the press and attendees at hearings.

136. TRAINING AND DEVELOPMENT – ORAL UPDATE

The Monitoring Officer informed the Committee that Mrs. Melanie Carter had given a three hour training session on the Members' Code of Conduct that had been extremely well received by a packed house. Similar training had been rolled out across the County.

The Committee was also advised that the Monitoring Officer's Code of Conduct training workshops would recommence after the new Code had been adopted by the Council and a new training DVD from the Standards Board for England was awaited.

The following comments were made by Members about training:

- A request for the Committee to be kept up to date on the proportion of Councillors that had attended training.

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- A request was made for consideration of the introduction of evening training workshops.
- The Chairman offered his services as a trainer for Code of Conduct workshops.
- One member felt that the DVD and fictional case study approach was too remote for clear understanding and application of the Code. A preference for a simple list of facts plus clear guidance was expressed. Other members of the Committee expressed satisfaction with the training material indicating how much they enjoyed the Board's DVD.

ACTION 5: The Monitoring Officer to include numbers of Councillors who had attended training in her Training and Development progress reports.

ACTION 6: The Monitoring Officer to keep in mind the offer from the Chairman of the Committee for his services as a trainer at Code of Conduct workshops.

THE MEETING WAS CONCLUDED AT 9.01 P.M.

Chairman

DRAFT

MEMBERS' CODE OF CONDUCT

Preamble

The General Principles

Selflessness

1. *Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.*

Honesty and Integrity

2. *Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.*

Objectivity

3. *Members should make decisions on merit, including when making appointments, awarding contracts or recommending individuals for rewards or benefits.*

Accountability

4. *Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.*

Openness

5. *Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.*

Personal judgement

6. *Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.*

Respect for others

7. *Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.*

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Duty to Uphold the Law

8. *Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.*

Stewardship

9. *Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.*

Leadership

10. *Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.*

PART 1

GENERAL PROVISIONS

Introduction and Interpretation

1. (1) This Code applies to you as a Member of the authority
- (2) You should read this Code together with the general principles prescribed by the Secretary of State as set out in the Preamble.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) 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-paragraphs (2) to (4), 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);
 - (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

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- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- 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 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 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 of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between 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 estimated 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 a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the 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 other Council Tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
- (2) In sub-paragraph (1)(b), a relevant person is:-
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of Personal Interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of 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(1)(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.

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,

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where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to Members;
- (v) any ceremonial honour given to Members; and
- (vi) setting Council Tax or a precept under the Local Government Finance Act 1992.

Prejudicial Interests Arising in Relation to Overview and Scrutiny Committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of 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 on 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 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

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- (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 circumstances 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.

SEVENOAKS DISTRICT COUNCIL

MEMBER'S REGISTER OF INTERESTS

I, [please print name]

a Member of the **Sevenoaks District Council**, give notice that I have set out below, under the appropriate headings, my personal interests which I am required to declare under the Local Authorities (Model Code of Conduct) Order 2007 and I have put "none" where I have no such interests under any heading.

If you are in sensitive employment (e.g. certain scientific research or the Special Forces) or you have other interests that are likely to create a serious risk of violence or intimidation against you or someone who lives with you, which you would like to withhold from the Register of Interests, please provide this information to the Monitoring Officer and explain your concerns regarding the disclosure of the sensitive information, including why it is likely to create a serious risk that you or a person who lives with you, will be subjected to violence or intimidation. If the Monitoring Officer considers it appropriate, you will not have to include the sensitive information on the Register. Ultimately, it will be your decision whether the information should not be included on your Register of Interests.

You must tell the Monitoring Officer in writing, within 28 days of taking office, or within 28 days of any change to your Register of Interest, of any interests which fall within the categories set out below.

This record is available for public inspection.

Paragraph 8(1)(a)(i) of the Code

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. - *Name the outside body and the position you are appointed or nominated to e.g. Member, Trustee, Director, observer etc. and name the Authority which appointed you e.g. Sevenoaks District Council.*

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Paragraph 8(1)(a)(ii)(aa), (bb) and (cc) of the Code

Bodies which exercise functions of a public nature of which you are a member or in a position of general control or management - *Name the body and **say** what position you hold e.g. Councillor on Wilmington Parish Council, Governor of ABC School etc.*

Bodies which are directed to charitable purposes of which you are a member or in a position of general control or management – *Name the body and say what position you hold e.g. Trustee of ABC Charity, Member of ABC Charity, Member of the Grand Charity.*

Bodies whose principal purpose includes the influence of public opinion or policy of which you are a member or in a position of general control or management (including any political party or trade union) – *Name the body and say what position you hold e.g. Secretary or Member of the ABC for Action Group, or Member of ABC Trade Union.*

Paragraphs 8(1)(a)(iii), (iv) of the Code

Any employment or business carried on by you

- (a) *The nature of every employment, business, office, trade, profession or vocation that you have with a short description of the job concerned.*

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Any person or body who employs or has appointed you

- (b) *The name and address of your employer.*

- (c) *If you are employed by a Company, the name and address of the Company paying your wages or salary, not that of the ultimate holding company.*

- (d) *The name and address of any Company for which you are a paid Director.*

- (e) *The name and address of any firm in which you are a Partner.*

- (f) *Where you hold an office, the name of the person or body which appointed you.*

Being a Councillor is holding an “office” although you are not employed by the Council. For the office of Councillor the person or body appointing you is “Electors of your Ward”.

Paragraph 8(1)(a)(v) of the Code

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 – *Name any person or body (other than the Council) who has made a payment to you in respect of your election as a Member, or in respect of any expenses you have incurred in carrying out your duties as a Member.*

Paragraphs 8(1)(a)(vi) of the Code

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 of the person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower). – *Name the Company or other body which has a place of business or land in the District of Sevenoaks in which you have a shareholding of more than £25,000 (face value) or have a share of more than 1/100th of the total issued share capital (which ever is the lower).*

Paragraph 8(1)(a)(vii) of the Code

Any contract 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 8(1)(a)(vi) – *Describe and state the length of all contracts (goods, services or works) which are not fully discharged, between you and the Council, or between the Council and a firm in which you are a partner, or a Company of which you are a paid Director or a corporate body in which you have shares of a value described above.*

Paragraph 8(1)(a)(viii) of the Code

The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25 – *List all gifts or hospitality worth £25 or over that you receive in connection with your official duties as a Member and the source/donor of the gift or hospitality*

A form entitled “Notification of Receipt, of Gifts and Hospitality to be annexed to the Member’s Register of Interests” can be used to list your gifts and hospitality. Such form is attached to the Protocol on Gifts and Hospitality set out as an Appendix to the Constitution.

Paragraph 8(1)(a)(ix)

Any land in your authority’s area in which you have a beneficial interest - *The address or a brief description of the property which you alone or jointly with others, own, lease or rent.*

Paragraph 8(1)(a)(x) of the Code

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 a remunerated director or a person or body of the description specified in paragraph 8(1)(a)(vi) is, the tenant - *The address or a brief description of the property where you, or a firm in which you are a partner, a company of which you are a paid director or a corporate body in which you have shares of a value described above, are lessees or tenants of the Council.*

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Paragraph 8(1)(a)(xi) of the Code

Any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 8 days or longer - *The address or a brief description of the property in the District of Sevenoaks which you alone, or jointly with others, occupy under licence for more than 28 days.*

Signed:.....

Dated:.....

Received by the Monitoring
Officer of the Sevenoaks
District Council

Signed:.....

PROTOCOL ON GIFTS AND HOSPITALITY

1. Introduction

This protocol provides guidance for Members and Co-opted Members of the Authority.

2. General Caution

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally.

Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.

The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

3. Criminal Law

It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Authority.

The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Authority.

4. Limits of Guidance

This protocol does not apply to:

Gifts and hospitality you may receive from family and friends (as birthday or other festive presents) that are not related to your position as a member. You should, however, question any such gifts or hospitality offered from an unusual source.

The acceptance of facilities or hospitality provided to you by the Authority.

Gifts given to the Authority that you accept formally on the Authority's behalf and are retained by the Authority and not by you personally.

5. Meaning of Gifts and Hospitality

The expression 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible.

Gifts and hospitality include:

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- The free gift of any goods or services.
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
- The opportunity to obtain goods or services not available to the general public.
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.
- The use of a free car.

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. Members should however be cautious when purchasing anything, when additional services, privileges or advantages are offered, which might be related to their position as a member.

6. Appropriate Gifts and Hospitality

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member.

- Civic hospitality provided by another public authority.
- Normal and modest refreshment in connection with any meeting in the course of your work as a member (e.g. tea, coffee and other normal beverages and refreshments).
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Authority or bodies to which you have been appointed by the Authority, and the tickets are offered in relation to that sponsorship or promotion.
- Small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens).
- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Authority business (e.g. inclusion in a round of drinks after a meeting).
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Authority has a business connection.
- Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

7. Principles to Apply in Relation to Gifts and Hospitality

In deciding whether it is appropriate to accept any gifts or hospitality you must apply the following principles:

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- Do not accept a gift or hospitality as an inducement or reward for anything you do as a member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward to you decline it. ('Reward' includes remuneration, reimbursement and fee)
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
 - From parties involved with the Authority in a competitive tendering or other procurement process.
 - From applicants for planning permission and other applications for licences, consents and approvals in which your Authority has an involvement.
 - From applicants for grants, including voluntary bodies and other organisations applying for public funding from your Authority.
 - From parties in legal proceedings with your Authority.

Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.

Do not solicit any gift or hospitality and avoid giving any perception of so doing.

8. Gifts Received and Donated to a Chairman's Appeal

It may be customary for some members on receiving gifts of value not to retain these personally but to pass them to the Chairman for use in relation to a charity appeal.

Members may do this, but should indicate this intention to the provider and make this clear on the Register of Interests as such gifts will still need to be registered if worth £25 or more.

9. Registration of Gifts and Hospitality

The Code of Conduct for Members and Co-opted Members provides that: -

'You have a personal interest in any business of your authority where it relates to or is likely to affect the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.'

This interest must be registered in the Register of Members' Interests. You should register the interest as soon as possible after acceptance of the gift or hospitality and in any event, within 28 days of the receipt. The registration should include the source and nature of the gift or hospitality.

Like other interests in your Register of Interests, you automatically have a personal interest in a matter under consideration if it is likely to affect a person who gave you

a gift or hospitality that is registered. You must disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the authority at which business is considered to which the interest relates. (i.e. business relating to the interests of the person or body giving the gift or hospitality). You then have to decide whether that interest is also a prejudicial interest.

Once three years have passed since you registered the gift or hospitality in your Register of Interests, your obligation to disclose that interest to any relevant meeting ceases.

Whilst the registration requirement in the code is limited to gifts or hospitality worth £25 or over, members are encouraged to register any significant gift or hospitality they receive below this value. There is no obligation to make a disclosure in relation to gifts and hospitality on the register below £25 in value.

You should ask yourself, would I have been given this if I was not on the council? If you are in doubt as to the motive behind a gift or hospitality, you should register it or speak to your Monitoring Officer.

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life.

You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to £25 or over should be registered.

10. Reporting of Inappropriate Gifts and Hospitality offered

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Authority.

You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

You may thereafter be required to assist the Police in providing evidence.

11. Enforcement

The Standards Committee has responsibility for overseeing compliance with this guidance.

Allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer.

12. Registration of Receipt of Gifts or Hospitality on the Register of Interests

The following form can be used and sent to the Monitoring Office to be annexed to the Member's Register of Interests:

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Notification of Receipt of Gifts and Hospitality to be Annexed to the Member's Register of Interests

What was the gift or hospitality? (Give full description)	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Signed	
Name in Capitals	
Dated	

Notification must be within 28 days of the receipt of the gifts or hospitality.

STANDARDS COMMITTEE

1. Establishment

- 1.1 The Council will establish a Standards Committee.

2. Composition

- 2.1 Standards Committees do not have to comply with the political balance rules in section 15 of the Local Government and Housing Act 1989.

3. Membership

- 3.1 The Standards Committee will be composed of at least:

- Two Members other than the Leader of the Council
- One person who is not a Member or an Officer of the Council or any body having a Standards Committee (an independent member)
- One Member of a parish or town council wholly or mainly in the Council's area (a parish/town council member)

4. Voting

- 4.1 All members of the Committee will be entitled to vote at meetings of the Committee.

5. Parish/Town Council Members

- 5.1 At least one parish/town council member must be present when matters relating to parish/town councils or their members are being considered.

6. Chairing the Committee

- 6.1 A member of the Cabinet may not chair the Committee.

7. Role and Function (Terms of Reference)

- 7.1 The Standards Committee will have the following role and functions:

- (a) promoting and maintaining high standards of conduct by Members and any Co-opted Members;
- (b) assisting the Members and any Co-opted Members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring and advising the Council about the operation of the

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Members' Code of Conduct in light of best practice, changes in the law and guidance from the Standards Board for England;

(e) advising, training or arranging to train Members and any Co-opted Members on matters relating to the Members Code of Conduct and ensuring that this training is actively promoted and that Members are aware of the standards expected from them under the Code;

(f) granting dispensations to Members and any Co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;

(g) functions relating to standards of conduct of Members under any relevant provision of, or regulations made under, the Local Government Act 2000;

(h) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer; and

(i) the exercise of (a) to (h) above in relation to the parish/town councils wholly or mainly in its area and the Members of those parish/town councils and any Co-opted Members.

8. Codes and Protocols

8.1 High standards lie at the root of the Council's activities and the work of the Standards Committee is supported by:

Members' Code of Conduct

Procedure for the Local Determination Hearings of Allegations of Member Misconduct

Composition of Hearing Panel for Determination Hearings of Allegations of Member Misconduct

Guidance on Applying an Appropriate Sanction

Procedure and Protocol for Independent and Parish and Town Council Representative Interviews

Protocol for Members on Gifts and Hospitality

Members' Register of Interest

