

5.1 Councillor Code of Conduct

Background

- 5.1.1 This section sets out general interpretation and background to the Code of Conduct, including definitions used within the code, the purpose of the code, the principles the code is based on and when the code applies. It does not form part of the Code of Conduct itself and consequently does not contain any obligations for you to follow, as these are contained in the ‘Code of Conduct’ section below.
- 5.1.2 All local authorities are required to have a local Councillor Code of Conduct. The Local Government Organisation (LGA) published a model code of conduct for local authorities in December 2020¹³⁶, which this Code of Conduct, and associated guidance, is based upon.

Definitions

- 5.1.3 Definitions relevant to this code of conduct can be found in the glossary of terms included in Part 1 of the Council’s constitution. However, the definitions for the following terms are repeated for the convenience¹³⁷:

“close associate” a person the councillor is in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think the councillor would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a relative, a friend, a colleague, a business associate or someone whom the councillor knows through general social contacts.

“co-opted member” defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who:

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.”

¹³⁶ [Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

¹³⁷ Local councils (i.e. Parish and town councils) may choose to adopt this code; persons wishing to make a complaint will need to understand the definitions.

“councillor”	a person elected to represent a local authority;
“local authority”	includes a district council but excludes parish and town councils as set out in section 43 of the Localism Act 2011;
“local council”	parish and town councils
“meeting”	any meeting of the Council, the executive of the Council and any of the Council’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees.
“member”	includes a councillor, a co-opted member and an appointed member.
“Monitoring Officer”	the officer appointed by Harborough District Council to discharge the functions set out in the Local Government and Housing Act 1989.

Purpose of the Code of Conduct

- 5.1.4 The purpose of this Code of Conduct is to assist councillors to model the behaviour that is expected of them and to set out the type of conduct that could lead to action being taken against them. It is also to protect councillors, the public, officers and the reputation of the council and local government. It sets out general principles of conduct expected of all councillors and specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of councillors and local government.

General Principles Of Councillor Conduct

- 5.1.5 Everyone in public office at all levels, i.e. all who serve the public or deliver public services, including ministers, civil servants, councillors and council officers, should uphold the Seven Principles of Public Life, also known as the Nolan Principles, set out below:

Selflessness	Holders of public office should act solely in terms of the public interest.
Integrity	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty	Holders of public office should be truthful.
Leadership	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

5.1.6 Building on these principles, the following general principles have been developed specifically for the role of councillors and these principles underpin the obligations in the Code of Conduct that follows. Councillors should therefore:

5.1.6.1 act with integrity and honesty;

5.1.6.2 act lawfully;

5.1.6.3 treat all persons fairly and with respect; and

5.1.6.4 lead by example and act in a way that secures public confidence in the role of a Councillor.

5.1.7 A councillor undertaking their role should:

5.1.7.1 impartially exercise their responsibilities in the interests of the local community;

5.1.7.2 not improperly seek to confer an advantage, or disadvantage, on any person;

5.1.7.3 avoid conflicts of interest;

5.1.7.4 exercise reasonable care and diligence;

5.1.7.5 ensure that public resources are used prudently in accordance with the council's requirements and in the public interest; and

5.1.7.6 uphold high standards of conduct, show leadership at all times and not misuse your position when acting as a councillor.

Application of the Code of Conduct

- 5.1.8 This Code of Conduct applies to councillors and co-opted members of the council. It applies as soon as the declaration of acceptance of the office of the councillor is signed or the first meeting attended as a co-opted member. It continues to apply to the expiry of the term of office.
- 5.1.9 The Code of Conduct applies when councillors:
- 5.1.9.1 act in their capacity as a councillor or co-opted member of the council; and
 - 5.1.9.2 conduct the business of the council (which, in this Code, includes the business of the office to which they are elected or appointed).
- 5.1.10 When acting as a representative of the council:
- 5.1.10.1 on another relevant authority, councillors must, when acting for that other authority, comply with that other authority's code of conduct; or
 - 5.1.10.2 on any other body, councillors must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 5.1.11 The Code applies to all forms of communication and interaction, including:
- 5.1.11.1 at face-to-face meetings;
 - 5.1.11.2 at online or telephone meetings;
 - 5.1.11.3 in written communication;
 - 5.1.11.4 in verbal communication;
 - 5.1.11.5 in non-verbal communication;
 - 5.1.11.6 in electronic and social media communication, posts, statements and comments;
- 5.1.12 The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct. Councillors are responsible for complying with the provisions of the Code and ensuring all its obligations are met. Advice can be sought from the Monitoring Officer on any matters that may relate to the Code of Conduct. Local council councillors are encouraged to seek advice from their Clerk in the first instance. The Clerk may refer matters to the Monitoring Officer.

The Code of Conduct

Standards Of Councillor Conduct

- 5.1.13 This section sets out councillor obligations, which are the minimum standards of

conduct required of councillors. Should conduct be perceived to fall short of these standards or the Nolan Principles, a complaint may be made against the councillor concerned, which may result in action being taken.

- 5.1.14 Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

Respect

- 5.1.15 As a councillor:

5.1.15.1 *I will treat other councillors with respect.*

5.1.15.2 *I will treat council officers, employees and representatives of partner organisations and those volunteering for the council with respect and respect the role they play.*

- 5.1.16 Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. Councillors can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. Individuals, groups of people or organisations should not be subject to personal attack.

- 5.1.17 The public should be treated politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

- 5.1.18 Councillors are entitled, in return, to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening any conversation or interaction in person or online can be stopped. The behaviour can be reported to the Council, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and council officers where concerns should be raised in line with the council's councillor-officer protocol.

Bullying, harassment and discrimination

- 5.1.19 As a councillor:

5.1.19.1 *I will not bully any person.*

5.1.19.2 *I will not harass any person.*

5.1.19.3 *I will promote equalities and do not discriminate unlawfully against any person.*

- 5.1.20 The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on

social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

5.1.21 The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

5.1.22 Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

Impartiality of officers of the Council

5.1.23 As a councillor:

5.1.23.1 *I will not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the council.*

5.1.24 Officers work for the council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. Officers can be questioned in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However they must not be forced to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Confidentiality and access to information

5.1.25 As a councillor:

5.1.25.1 *I will not disclose information:*

5.1.25.1.1 *given to me in confidence by anyone;*

5.1.25.1.2 *acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:*

- (i) I have received the consent of a person authorised to give it;
- (ii) I am required by law to do so;
- (iii) the disclosure is made to a third party for the

purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

- (iv) the disclosure is:
 - a. reasonable and in the public interest; and
 - b. made in good faith and in compliance with the reasonable requirements of the Council; and
 - c. I have consulted the Council's Monitoring Officer (or the Clerk in respect of Town and Parish Councils) prior to its release.

5.1.25.2 *I will not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.*

5.1.25.3 *I will not prevent anyone from getting information that they are entitled to by law.*

5.1.26 Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. Councillors should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Disrepute

5.1.27 As a councillor:

5.1.27.1 *I will not bring my role or Council into disrepute or conduct myself in a manner which could reasonably be regarded as bringing my role or Council into disrepute.*

5.1.28 Councillors are trusted to make decisions on behalf of their community and their actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Councillors should be aware that their actions might have an adverse impact on themselves, other councillors and / or the Council and may lower the public's confidence in them or the Council's ability to discharge its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Council into disrepute.

5.1.29 Councillors can hold the Council and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes

undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

Use of position

5.1.30 As a councillor:

5.1.30.1 *I will not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.*

5.1.30.2 *I will not place myself under a financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.*

5.1.31 Being a councillor for the Council provides certain opportunities, responsibilities and privileges, and councillors make choices all the time that will impact others. However, they should not take advantage of these opportunities to further their own or others' private interests or to disadvantage anyone unfairly.

5.1.32 Councillors need to be able to act impartially in the exercise of their responsibilities and ensure they make decisions in the interests of the local community. Councillors should therefore avoid any financial or other obligations to outside individuals or organisations whose influence may prevent them from acting impartially.

Use of Council resources and facilities

5.1.33 As a councillor:

5.1.33.1 *I will not misuse council resources.*

5.1.33.2 *I will, when using the resources of the Council or authorising their use by others:*

- (i) *act in accordance with the Council's requirements; and*
- (ii) *ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or of the office to which I have been elected or appointed.*

5.1.34 The Council may provide resources and facilities to assist councillors in carrying out their duties as a councillor. Examples include:

- office support
- stationery
- equipment such as phones, iPads, dongles, computers etc.

- transport
- access and use of council buildings and rooms.

5.1.35 These are provided to help carry out the role of councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the council's own policies regarding their use.

Making decisions

5.1.36 As a councillor:

5.1.36.1 *When reaching decisions on any matter I will have regard to any relevant advice provided to me by officers and professional third parties.*

5.1.36.2 *I will give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed;*

5.1.36.3 *I will make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on individual and independent merit;*

5.1.36.4 *I will be as open as possible about my decisions and actions and the decisions and actions of the authority and will be prepared to give reasons for those decisions and actions, notwithstanding my other obligations under this Code.*

5.1.37 To assist councillors in acting lawfully, officers may give advice from time to time. It is important that councillors have due regard to any such advice given and consider it fully, even if (for good reason) they may choose not to follow that advice.

5.1.38 In making any decisions, giving reasons helps instil public confidence in the role of the councillor and can be a legal requirement in certain situations. Councillors should ensure that they always give reasons in accordance with any specific requirements and having regard to the benefits of transparency generally.

5.1.39 Councillors must act impartially and not improperly seek to confer an advantage, or disadvantage, on any person. It is therefore important that when making decisions that involve choosing one party over another, councillors do so based on independent merit. Councillors should be open and transparent about the decisions that are made and the actions of the authority.

Complying with the Code of Conduct

5.1.40 As a Councillor:

5.1.40.1 *I will undertake Code of Conduct training provided by my Council.*

5.1.40.2 *I will cooperate with any Code of Conduct investigation and / or determination.*

5.1.40.3 *I will not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.*

5.1.40.4 *I will comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.*

5.1.41 It is extremely important that councillors demonstrate high standards, for their actions to be open to scrutiny and for them not to undermine public trust in the Council or its governance. If councillors do not understand or are concerned about the council's processes in handling a complaint they should raise this with the Monitoring Officer.

Protecting Your Reputation and The Reputation Of The Council

5.1.42 As a councillor:

5.1.42.1 I will register and disclose my interests in accordance with the provisions set out in Appendix A.

5.1.43 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of councillors of the authority.

5.1.44 Councillors need to register their interests so that the public, Council employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects councillors by allowing them to demonstrate openness and a willingness to be held accountable. Councillors are personally responsible for deciding whether or not to disclose an interest in a meeting, but it can be helpful for them to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by them or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

5.1.45 Failure to register or disclose a disclosable pecuniary interest as defined in Appendix A, is a criminal offence under the Localism Act 2011.

- 5.1.46 The provisions of paragraphs 5.1.43 to 5.1.46 shall be applied in such a manner as to recognise that this Code of Conduct should not obstruct a councillor's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision-making at one local authority will not by itself normally prevent councillors from taking part in discussion and decision-making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a councillor's judgement of the public interest and will only regard a matter as giving rise to an interest which might lead to bias in exceptional circumstances.
- 5.1.47 Appendix A sets out the detailed provisions on registering and disclosing interests. If in doubt, advice can be sought from the Monitoring Officer, or from the clerk in the case of town and parish councils.

Gifts and hospitality

- 5.1.48 As a councillor:

- 5.1.48.1** *I will not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.*
- 5.1.48.2** *I will register with the Monitoring Officer (or the Clerk in respect of Town and Parish Councils) any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.*
- 5.1.48.3** *I will register with the Monitoring Officer (or the Clerk in respect of Town and Parish Councils) any significant gift or hospitality with an estimated value of at least £50 that I have been offered but have refused to accept.*

- 5.1.49 In order to protect their position and the reputation of the Council, councillors should exercise caution in accepting any gifts or hospitality which are (or which they reasonably believe to be) offered because they are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case it could be accepted it but must be publicly registered.

However, councillors do not need to register gifts and hospitality which are not related to their role as a councillor, such as Christmas gifts from friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with the duties of a councillor. If councillors are unsure, the Monitoring Officer or Clerk can be contacted for guidance.

Dispensations

5.1.50 As a councillor:

- 5.1.50.1** I may request a dispensation from the Monitoring Officer (or the Clerk in respect of Town and Parish Councils) for one meeting only.
- 5.1.50.2** I must make the request in writing detailing what my interest is, why the dispensation is required and for what meeting.
- 5.1.50.3** I must make my request 5 days prior to the meeting at which the Dispensation is required.
- 5.1.50.4** If I wish to make a further request for dispensation, this must be made to the Audit and Standards Committee.
- 5.1.50.5** I will only be granted a Dispensation where there are reasonable grounds for doing so and where such grounds are in the public interest.

5.1.51 Appendix A sets out the situations where a Councillor's personal interest in a matter may prevent them from participating in the decision-making process. In certain circumstances, however, there may be reasonable grounds to allow a Councillor to participate in decision-making on that matter where it would be in the public interest to do so. Where councillors consider that there may be good grounds for them to continue to participate they should request a dispensation from the Monitoring Officer.

Appendix A – Interests

Definitions

“**Disclosable Pecuniary Interest**” means a registerable interest of a councillor or their partner (if they are aware of their partner’s interest) as set out in the table below¹³⁸:

Table 1: Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. Any unpaid directorship.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by them in carrying out their duties as a councillor, or towards their election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or their spouse or civil partner or the person with whom the councillor is living as if they were spouses / civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or their spouse or civil partner or the person with whom the councillor is living as if they

¹³⁸ Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

	were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge) the landlord is the Council and the tenant is a body that the councillor, or their spouse or civil partner or the person with whom the councillor is living as if they were spouses / civil partners is a partner of or a director of or has a beneficial interest in the securities of.
Securities	Any beneficial interest in securities of a body where that body (to the councillor's knowledge) has a place of business or land in the area of the council; and either – (a) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (b) 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 councillor, or their spouse or civil partner or the person with whom the councillor is living as if they were spouses / civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

'**director**' includes a member of the committee of management of an industrial and provident society.

'**securities**' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

"**Partner**" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

"**Other Registerable Interest**" is a personal interest in any business of your authority which relates to or is likely to affect:

- a. any body of which you are in general control or management and to which you

- are nominated or appointed by your authority; or
- b. any body of which you are a member or in a position of general control or management:
- i. exercising functions of a public nature; or
 - ii. any body directed to charitable purposes or
 - iii. any unpaid directorships or
 - iv. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

“Registrable Interests” are interests that you are required to register in accordance with this Code of Conduct and include both Disclosable Pecuniary Interests and Other Registerable Interests.

“Non-Registrable Interests” are interests that you are not required to register but need to be disclosed in accordance with paragraphs 5.1.59 to 5.1.61.

A **“Dispensation”** is agreement that you may continue to participate in the decision-making process notwithstanding your interest as detailed at paragraph 5.1.50 of the Code of the Conduct and this Appendix A.

A **“Sensitive Interest”** is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

A matter **“directly relates”** to one of your interests where the matter is directly about that interest. For example the matter being discussed is an application about a particular property in which you or somebody associated with you has a financial interest.

A matter **“affects”** your interest where the matter is not directly about that interest but would still have clear implications for the interest. For example, the matter concerns a neighbouring property.

Registering Interests

- 5.1.52 Within 28 days of becoming a councillor or co-opted member or your re-election or re-appointment to office you must register with the Monitoring Officer any Disclosable Pecuniary Interests (Table 1) and any Other Registerable Interests.
- 5.1.53 Where you have a Sensitive Interest you must tell the Monitoring Officer why you believe it is a Sensitive Interest. If the Monitoring Officer agrees to withhold the interest from the public register, when the Code of Conduct requires to you to disclose an interest, you do not have to disclose the nature of the sensitive interest, but just that you have an interest.
- 5.1.54 You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

Declaration at, and Participation in, Meetings

- 5.1.55 If you are present at a meeting and you have either a Registerable or Non-Registerable Interest in any matter to be considered or being considered, and the interest is not a Sensitive Interest, you must disclose that interest to the meeting (whether or not it is registered).
- 5.1.56 To determine whether your interest affects your ability to participate in a meeting, you must first determine what type of interest you have and, if necessary, go on to apply the tests as set out below.

Disclosable Pecuniary Interests

- 5.1.57 Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1:
- 5.1.57.1 you must disclose the interest; and
 - 5.1.57.2 not participate in any discussion or vote on the matter; and
 - 5.1.57.3 must not remain in the room
- unless you have been granted a Dispensation. If the interest has been approved by the Monitoring Officer as a Sensitive Interest, you do not need to disclose the nature of the interest.

Other Registerable Interests

- 5.1.58 Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests you:
- 5.1.58.1 must disclose the interest;
 - 5.1.58.2 may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - 5.1.58.3 must not remain in the room
- unless you have been granted a Dispensation. If the interest has been approved by the Monitoring Officer as a Sensitive Interest, you do not need to disclose the nature of the interest.

Non-Registerable Interests

- 5.1.59 Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you:
- 5.1.59.1 must disclose the interest;
 - 5.1.59.2 may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in

any discussion or vote on the matter; and

5.1.59.3 must not remain in the room

unless you have been granted a Dispensation. If the interest has been approved by the Monitoring Officer as a Sensitive Interest, you do not need to disclose the nature of the interest.

5.1.60 Where a matter arises at a meeting which affects:

5.1.60.1 your own financial interest or well-being;

5.1.60.2 a financial interest or well-being of a relative or close associate; or

5.1.60.3 a financial interest or wellbeing of a body included as an Other Registerable Interests

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

5.1.61 Where a matter under paragraph 5.1.60 affects the financial interest or well-being or body:

5.1.61.1 to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision; and

5.1.61.2 a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest;

you may:

5.1.61.3 speak on the matter only if members of the public are also allowed to speak at the meeting;

5.1.61.4 not take part in any discussion or vote on the matter; and

5.1.61.5 not remain in the room

unless you have been granted a Dispensation. If the interest has been approved by the Monitoring Officer as a Sensitive Interest, you do not need to disclose the nature of the interest.

5.1.62 Where a matter under paragraph 5.1.60 does not affect the financial interest or well-being or body:

5.1.62.1 to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision; and/or

5.1.62.2 a reasonable member of the public knowing all the facts would not believe that it would affect your view of the wider public interest;

you may

5.1.62.3 remain in the room;

5.1.62.4 speak if you wish to; and

5.1.62.5 take part in any discussion or vote on the matter provided you have disclosed your interest under paragraph 5.1.60.

5.1.63 Decision trees are provided at Appendix B to assist councillors in identifying interests and what the disclosure requirements are for them. However, any councillor who is uncertain as to any of the following:

5.1.63.1 whether they have an interest;

5.1.63.2 what type of interest they have;

5.1.63.3 what needs to be registered on their declaration of interest form;

5.1.63.4 when an interest should be disclosed in a meeting should consult with the Monitoring Officer at the earliest possible opportunity and presume an interest is declarable unless informed otherwise.

Single-Councillor-Decision-Making

5.1.64 In the event that you are making a decision as a single councillor the following section applies in relation to any interests you may have. For the avoidance of doubt, local councils do not operate single-councillor decision-making and this section does not apply to them.

5.1.65 Where you have a personal interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function (i.e. single member decision making) and the interest is a:

5.1.65.1 registrable Interest; or

5.1.65.2 non-registrable Interest that falls under paragraph 5.1.59 to 5.1.61 above;

you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

5.1.66 Where you have a personal interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function (i.e. single member decision-making) and the interest is a Non-Registrable Interest under paragraph 5.1.60, you must make sure that any written statement of that decision records the

existence and nature of your interest.