



Agenda

10 July 2007

STANDARDS COMMITTEE

Bridgebury House, Woburn Road, Kempston, Bedford MK43 9AX

For further information, or to see the papers, please contact the Police Authority:



CALL Janet Wardell on (01234) 842066



IN PERSON, (by appointment) 9am to 5pm, Monday to Friday



Bridgebury House has facilities for disabled people.

Web-site:- www.bedfordshirepoliceauthority.org

Email:- police.authority@bedfordshire.police.uk

To: **Members of the Standards Committee**

(Members of the Authority - Mr P Conniff, Mr P Hollick Mrs R Gutteridge and Mr R Saleem)

Independent Members - Mr G Billett, Mrs E Collins and Mrs K Johnson)

A meeting of the **STANDARDS COMMITTEE** will be held at Bridgebury House, Woburn Road, Kempston on **Tuesday 10 July 2007 at 10.00am**, the agenda for which is set out overleaf.

JANET WARDELL
Member Support Services Manager

AGENDA

(*indicates that a supporting document accompanies this Agenda)

1 Election of Chairman

To note that the Police Authority on 23 May 2007 nominated Mrs Kathy Johnson to be the Chair of the Committee until the Annual meeting of the Authority in May 2008

2. Minutes

To confirm the Minutes of the meeting of the Committee held on 8 March 2007

3. Matters Arising

4. Declarations of Interest

To receive any personal or prejudicial interests from Members

5. New Code of Conduct

Report* of the Clerk

6. Ethical Governance Arrangements

Report* of the Clerk

STANDARDS COMMITTEE

8 March 2007

PRESENT

Mrs K Johnson (In the Chair)

Mr G Billett, Mr P Conniff, Mr M Dolling Mrs E Collins, ,

Apologies for absence were received from Mrs R Gutteridge and Mr P Hollick

07/st/1

MINUTES

The minutes of the meeting held on 31 October 2006 were confirmed

07/st/2

MATTERS ARISING

06/st/10 Police Restructure

The Chair of the Authority reported that since the last meeting of the Committee the Home Office had upheld its decision to only reimburse the Police Authority £23,430 for the costs associated with the failed police force merger proposals. The Authority's original claim had been for £103,720. The level of the claim represented the additional costs incurred in preparing for the merger (mainly consultancy, honorarium payments to staff and mileage costs) and excludes opportunity costs

He also updated the Committee on the exploration of collaboration opportunities with the other forces within the Eastern region and with the Thames Valley Police Force.

06/st/15 Complaint

The Chair of the Authority reported that since the last meeting the complainant had still made no further contact with either the Clerk or Hertfordshire Police Authority to pursue the Appeal.

07/st/3

DECLARATIONS OF INTEREST

Mr P Conniff and Mr Dolling declared a personal interest in the item relating to the Review of the Members Allowance Scheme.

07/st/4

CONSULTATION ON THE NEW CODE OF CONDUCT

The Committee considered a consultation paper from the Association of Police Authorities on the proposed changes to the code of conduct, which follows recommendations made by the Standards Board for England and an earlier consultation in December 2005.

The changes proposed would be made through a statutory instrument issued under the Local Government Act 2000. This would amend the current codes issued in 2001, but some proposals, such as making Member's personal as well as professional conduct subject to the code would be introduced through the Local government Bill that was currently before parliament

Key proposed changes to the code included

- Amalgamating the four separate codes currently applicable for local authorities, parish Councils, police authorities and the national parks and broads authorities into a single code of conduct
- Making aspects of the personal conduct subject to the code, the proposal being that this should only relate to criminal conduct
- Changing some of the rules around defining and declaring personal or prejudicial interests.
- Preventing members sitting on Overview and Scrutiny Committee from scrutinising decisions they were involved in making.

In addition to the general questions set in the consultation paper the APA set out a series of questions which were specifically aimed at Police Authorities.

The Committee raised no major areas of concern about the proposed changes to the code but commented that the current proposal to limit personal conduct matters to those activities that had been found unlawful by the courts was too restrictive and more flexibility was required in the code for Standards Committees to consider other types of personal conduct. In addition to this the Committee endorsed the retention of the current level of £25 for declaring gifts and hospitality.

RESOLVED

That the Committee's views and comments detailed above be forwarded to the Association of Police Authorities for consideration in a corporate response to the Department of Communities and local Government.

07/st/5

REVIEW OF THE MEMBERS ALLOWANCE SCHEME

The Committee reviewed the current Members Allowance Scheme which had been adopted by the Authority on 16 February 2007.

RESOLVED

That no changes to the Members Allowance Scheme be put forward for inclusion in the Annual Review later in the year.

07/st/6

MEMBERS PERSONAL DEVELOPMENT SCHEME

The Committee noted that the Police Authority on 16 February 2007 had approved Members. Personal Development scheme . The scheme would be implemented from 1 April 2007 and reviewed after 1 year of operation. A copy of the report that was submitted to the Police Authority was reproduced for the Committee. The Committee noted in the event of a member receiving a critical review and where agreement could not be reached between the Chair and the Member an appeal could be made to the Chair of the Standards Committee in consultation with the Clerk.

The Chair of the Standards Committee welcomed both the constructive and objective approach of the scheme

07/st/7

TERMS OF REFERENCE

At the last meeting Mr Billett had highlighted that his attendance at the Annual Standards Board Conference had revealed that the role and duties of Standards Committees varied in each Authority and it was therefore agreed that the current Terms of Reference be reviewed

The Committee was satisfied that the Terms of Reference still reflected its role. However Members considered that they had had no involvement to date in any training on the Code of Conduct and there was a general discussion on how new and exiting Members could be trained in this area particularly as a new Code was due out shortly. The Committee asked to be kept informed of the arrangements to be made.

07/st/8

GOING LOCAL – INVESTIGATION AND HEARINGS – TRAINING DVD ISSUED BY THE STANDARDS BOARD FOR ENGLAND

Members viewed a training DVD issued by the standards Board which used a dramatised scenario to illustrate a local investigation and hearing and highlighted some of the challenges that might arise.

The learning points from the dramatisation were discussed and the Committee considered that overall it was a useful training aid for both Standards Committee Members and Authority Members

REPORT AUTHOR: CLERK TO THE AUTHORITY

SUBJECT: ADOPTION OF THE NEW CODE OF CONDUCT

BACKGROUND PAPERS: None

PURPOSE:

To consider the adoption of the new Model Code of Conduct

RECOMMENDATION:

The Standards Committee is requested to recommend to Authority that:

- (a) the new model Code of Conduct for members be approved without any amendments
- (b) the preamble outlining the ten general principles governing the conduct of members of local authorities be adopted to form part of the Code of Conduct
- (c) the revised guidance on gifts and hospitality be approved

-
1. At its meeting on 8 March 2007 the Committee considered a consultation paper issued by the Association of Police Authorities on the Department's of Communities and Local Government's proposed changes to the Code of Conduct
 2. Following this consultation process, the Secretary of State for Communities and Local Government made the Local Authorities (Model Code of Conduct) Order 2007 on 2nd April 2007. The Order contains a new Model Code, which is attached as **Appendix A**, and came into Force on 3 May 2007.
 3. The Code will have to be adopted by the Authority by 1 October 2007 and it is proposed that the new Code is adopted at the meeting of the Police Authority to be held on 20 July 2007. Once the Code is adopted the Authority Members will have to sign a declaration undertaking to observe the Code.

4. The Standards Board for England has issued general Guidance on the Code, a copy of which is enclosed separately for Members, and the current recommendation from the Standards Board is that the new Code should be adopted in its model form without amendment.

The Standards Board also recommends that authorities include a preamble to the Code which outlines the ten general principles governing the conduct of members and this is attached at **Appendix B**

5. As a result of the changes to the Code changes are required to be made the Register of Members Interests declaration form. A model form which members will need to fill in together with guidance on how to fill in the form is attached as **Appendix C**.
6. The Committee is now requested to recommend to the Authority that the new Model Code of Conduct be approved which will enable the consequential changes to be implemented without delay.

John Atkinson
Clerk to the Authority

Statutory Instrument 2007 No. 1159

The Local Authorities (Model Code of Conduct) Order 2007

© Crown Copyright 2007

Statutory Instruments printed from this website are printed under the superintendence and authority of the Controller of HMSO being the Queen's Printer of Acts of Parliament.

The legislation contained on this web site is subject to Crown Copyright protection. It may be reproduced free of charge provided that it is reproduced accurately and that the source and copyright status of the material is made evident to users.

It should be noted that the right to reproduce the text of Statutory Instruments does not extend to the Queen's Printer imprints which should be removed from any copies of the Statutory Instrument which are issued or made available to the public. This includes reproduction of the Statutory Instrument on the Internet and on intranet sites. The Royal Arms may be reproduced only where they are an integral part of the original document.

The text of this Internet version of the Statutory Instrument which is published by the Queen's Printer of Acts of Parliament has been prepared to reflect the text as it was Made. A print version is also available and is published by The Stationery Office Limited as the **The Local Authorities (Model Code of Conduct) Order 2007**, ISBN 9780110767215. The print version may be purchased by clicking [here](#). Braille copies of this Statutory Instrument can also be purchased at the same price as the print edition by contacting TSO Customer Services on 0870 600 5522 or e-mail: customer.services@tso.co.uk.

Further information about the publication of legislation on this website can be found by referring to the [Frequently Asked Questions](#).

To ensure fast access over slow connections, large documents have been segmented into "chunks". Where you see a "continue" button at the bottom of the page of text, this indicates that there is another chunk of text available. .

STATUTORY INSTRUMENTS

2007 No. 1159

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Model Code of Conduct) Order 2007

<i>Made</i>	<i>2nd April 2007</i>
<i>Laid before Parliament</i>	<i>4th April 2007</i>
<i>Coming into force</i>	<i>3rd May 2007</i>

The Secretary of State for Communities and Local Government makes the following Order in exercise of the powers conferred by sections 50(1) and (4), 81(2) and (3), and 105(2), (3) and (4) of the Local Government Act 2000[1].

The Secretary of State has consulted in accordance with section 50(5) of that Act.

The Secretary of State is satisfied that this Order is consistent with the principles for the time being specified in an order under section 49(1) of that Act[2].

Citation, commencement and application

1. —(1) This Order may be cited as the Local Authorities (Model Code of Conduct) Order 2007 and comes into force on 3rd May 2007.

(2) This Order applies—

(a) in relation to police authorities in England and Wales; and

(b) in relation to the following authorities in England—

- (i) a county council;
- (ii) a district council;
- (iii) a London borough council;
- (iv) a parish council;
- (v) the Greater London Authority;
- (vi) the Metropolitan Police Authority;
- (vii) the London Fire and Emergency Planning Authority;
- (viii) the Common Council of the City of London;
- (ix) the Council of the Isles of Scilly;
- (x) a fire and rescue authority;
- (xi) a joint authority;
- (xii) the Broads Authority; and
- (xiii) a National Park authority,

and in this Order references to "authority" are construed accordingly.

Model Code of Conduct

2. —(1) The code set out in the Schedule to this Order ("the Code") has effect as the model code issued by the Secretary of State under section 50 of the Local Government Act 2000 as regards the conduct which is expected of members and co-opted members of an authority.

(2) Subject to paragraphs (3) to (6), every provision of the Code in the Schedule to this Order is mandatory for an authority.

(3) Paragraph 6(c) of the Code is not mandatory for police authorities, the Greater London Authority, the Metropolitan Police Authority, the London Fire and Emergency Planning Authority, fire and rescue authorities and joint authorities.

(4) Paragraph 7 of the Code is not mandatory for parish councils.

(5) Subject to sub-paragraph (6)(c) and (d) below, paragraphs 10(2)(c)(i) and (ii), 11 and 12(2) of the Code are mandatory only for county councils, district councils and London borough councils, the Common Council of the City of London and the Council of the Isles of Scilly.

(6) The following provisions of the Code are mandatory only for an authority which is operating executive arrangements—

(a) in paragraph 1(4), in the definition of "meeting"—

(i) sub-paragraph (b);

(ii) in sub-paragraph (c), the words "or its executive's" and ", or area committees";

(b) paragraphs 9(6), 9(7) and 12(1)(b);

(c) in paragraph 11(a), the words "your authority's executive or"

(d) in paragraph 11(b), the word "executive,"; and

(e) in paragraph 12(2), the words in brackets.

Disapplication of certain statutory provisions

3. The following provisions shall not apply (where they are capable of doing so) to an authority which has adopted a code of conduct or to which such a code applies—

(a) sections 94 to 98 and 105 to the Local Government Act 1972[3];

- (b) section 30(3A) of the Local Government Act 1974[4];
- (c) regulations made or a code issued under section 19 and 31 of the Local Government and Housing Act 1989[5];
- (d) paragraphs 9 and 10 of Schedule 7 to the Environment Act 1995[6]; and
- (e) any guidance issued under section 66 of the Greater London Authority Act 1999[7].

Revocation and savings

4. —(1) Subject to paragraphs (2) and (3), the following orders are revoked—

- (a) the Local Authorities (Model Code of Conduct) (England) Order 2001[8];
- (b) the Parish Councils (Model Code of Conduct) Order 2001[9];
- (c) the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001[10]; and
- (d) the Police Authorities (Model Code of Conduct) Order 2001[11].

(2) The Orders referred to in paragraph (1) continue to have effect for the purposes of and for purposes connected with —

(a) the investigation of any written allegation under Part 3 of the Local Government Act 2000, where that allegation relates to conduct which took place before the date when, pursuant to section 51 of that Act—

(i) the authority adopts a code of conduct incorporating the mandatory provisions of the Code in the Schedule to this Order in place of their existing code of conduct;

(ii) the authority revises their existing code of conduct to incorporate the mandatory provisions of the Code in the Schedule to this Order; or

(iii) the mandatory provisions of the Code in the Schedule to this Order apply to members or co-opted members of the authority under section 51(5)(b) of that Act;

(b) the adjudication of a matter raised in such an allegation; and

(c) an appeal against the decision of an interim case tribunal

or case tribunal in relation to such an allegation.

(3) Any order made under section 83 of the Local Government Act 1972[12] shall have effect for the purpose of prescribing the form of a declaration of acceptance of office in relation to a county council, district council, London borough council and a parish council.

Signed on behalf of the Secretary of State for Communities and Local Government

Phil Woolas
Minister of State Department for Communities and Local Government

2nd April 2007

SCHEDULE

THE MODEL CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. —(1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State[13].
- (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.

(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.

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[14]);

(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 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 [15].

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—

(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 decision; 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 (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[16].

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 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

(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.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order contains a model code of conduct as regards the conduct which is expected of members and co-opted members of relevant authorities in England and police authorities in England and Wales. The Secretary of State has power to issue such a code under section 50 of the Local Government Act 2000. Under section 51 of that Act, each authority must adopt a code of conduct applying to its members and co-opted members which must incorporate any mandatory provisions of the Code. Under section 51(5), where an authority does not adopt such a code within six months of the Order coming into force, the mandatory provisions of the Code will apply to the members of the authority until it adopts its own code.

Article 1 provides that this Order applies to specified authorities in England and police authorities in England and Wales.

Article 2 provides that a model code is set out in the Schedule to the Order, and states which of its provisions are mandatory.

Article 3 disapplies the statutory provisions relating to the National Code of Local Government Conduct and members' interests.

Article 4 revokes—

the Local Authorities (Model Code of Conduct) (England) Order 2001[[17](#)];

the Parish Councils (Model Code of Conduct) Order 2001[[18](#)];

the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001[[19](#)]; and

the Police Authorities (Model Code of Conduct) Order 2001[[20](#)].

These Orders continue to have effect in relation to misconduct committed before the date when the new code is adopted or applied to an authority.

Article 4(3) provides that orders made under section 83 of the Local Government Act 1972 shall have effect for the purpose of prescribing the form of a declaration of acceptance of office.

In the Schedule to the Order—

Paragraph 1 of the Code provides that the Code applies to any member of an authority and that it is the responsibility of each member to comply with the Code.

Paragraph 2 of the Code provides that the Code applies whenever

a member is acting in his or her official capacity, and in relation to conduct in a member's private capacity the code only applies where such conduct has resulted in a criminal conviction.

Additionally, where a member is acting as a representative of his or her authority, he or she must continue to observe the authority's code, unless he or she is subject to another relevant authority's code, or unless (in relation to any other body) it conflicts with any *other legal obligations*.

Paragraph 3 of the Code provides that members must treat others with respect and not do anything which may cause their authority to breach equality legislation, or which compromises the impartiality of those who work for the authority or bully anyone or intimate persons involved in code of conduct cases.

Paragraph 4 of the Code provides that members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

Paragraph 5 of the Code provides that a member must not conduct himself or herself in a manner which could bring his or her authority into disrepute.

Paragraph 6 of the Code provides that a member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority's resources, he or she must act in accordance with the authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the *Local Authority Code of Publicity*.

Paragraph 7 of the Code provides that a member must have regard to advice given by the chief finance officer and monitoring officer and must give reasons for decisions made.

Paragraph 8 of the Code provides a list of matters which constitute a personal interest.

Paragraph 9 of the Code provides that generally a member with a personal interest in any business of his or her authority must disclose that interest at any meeting at which the business is considered.

Paragraph 10 of the Code provides that generally a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his or her judgement of the public interest. The paragraph provides that in specified circumstances a member may regard himself as not having a prejudicial interest.

Paragraph 11 of the Code provides that a member who was involved in making a decision or taking action on a matter must not be involved in the overview and scrutiny committee's

consideration of that decision or action.

Paragraph 12 of the Code provides that a member with a prejudicial interest must, unless, for example, he or she is making representations and members of the public are also allowed to make representations on that matter, or he or she has obtained a dispensation, withdraw from any meetings at which the business is being considered, and must not improperly influence decisions in relation to the business.

Paragraph 13 of the Code provides that a member must notify the monitoring officer of his or her personal interests and any change to those interests must also be notified.

Paragraph 14 of the Code provides that a member may notify the monitoring officer of any sensitive information the availability of which to the public creates, or is likely to create, a serious risk that the member or a person who lives with him or her may be subjected to violence or intimidation.

Notes:

[1] 2000 c.22.[back](#)

[2] *See* the Relevant Authorities (General Principles) Order 20001 (S.I. 2001/1401).[back](#)

[3] 1972 c.70.[back](#)

[4] 1974 c.7. Section 30(3A) was inserted by section 32(1) of the Local Government and Housing Act 1989 (c. 42), with effect from 1st April 1990.[back](#)

[5] 1989 c.42.[back](#)

[6] 1995 c.25.[back](#)

[7] 1999 c.29.[back](#)

[8] S.I. 2001/3575.[back](#)

[9] S.I. 2001/3576.[back](#)

[10] S.I. 2001/3577.[back](#)

[11] S.I. 2001/3578.[back](#)

[12] Orders made under section 83 of the Local Government Act 1972 were disapplied, by the Orders mentioned in article 4(1)(a) and (b) of this Order, and are here being revived.[back](#)

[13] *See* the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401).[back](#)

[14] 2006 c.3.[back](#)

[15] 1986 c.10.[back](#)

[16] *See* the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations (S.I 2000/3272).[back](#)

[17] S.I. 2001/3575.[back](#)

[18] S.I. 2001/3576.[back](#)

[19] S.I. 2001/3577.[back](#)

[20] S.I. 2001/3578.[back](#)

ISBN 978 0 11 076721 5

[Other UK SIs](#) | [Home](#) | [National Assembly for Wales Statutory Instruments](#) | [Scottish Statutory Instruments](#) | [Statutory Rules of Northern Ireland](#)

We welcome your [comments](#) on this site

© Crown copyright 2007

Prepared 4 April 2007

The Ten General Principles of Public Life

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – 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 – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – 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 – 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 – 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 – 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.

Duty to uphold the law – 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 – 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 – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

**Register of Member's personal interests
Required under the Members' Code of Conduct**

Please read the attached notes when completing this register.

Name (in
Capitals) _____

<p>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 your authority.</p>	
<p>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.</p>	
<p>3 Any employment or business carried on by you.</p>	
<p>4 Any person or body who employs or has appointed you.</p>	
<p>5 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.</p>	
<p>6 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).</p>	

<p>7 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 6.</p>	
<p>8 Any person from whom you have received a gift or hospitality with an estimated value of at least £25.</p>	
<p>9 Any land in your authority's area in which you have a beneficial interest.</p>	
<p>10 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 6 is, the tenant.</p>	
<p>11 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.</p>	

Dated _____

Signed

Notes to Register of interests

You should complete the register with sufficient detail to identify clearly what the interest is. Do not use abbreviations, initials or acronyms. You are personally responsible for the accuracy of the contents of the register. You are in breach of the code if an interest is not registered with sufficient clarity. Please mark 'none' on the register if you have no interest to register in any category.

The following notes relate to the interests as numbered on the register.

1. List all the bodies (external to the authority, i.e. not committees or sub committees of the authority) to which you have been appointed by the authority. Give the full name of the body (not acronyms or initials) If in doubt, ask your Monitoring Officer/ Democratic Services Officer/Clerk for the list. Appointments or nominations may include local committees and charities, partnerships and companies in which the authority is involved, and other related organisations. Include nominations to regional and national bodies such as local authority associations.
2. Include any public bodies of which you are a member (e.g. school governor, health authority, government agency, other non profit organisation in the public sector, local committee)
Include any charity of which you are a trustee or member and any non profit making body such as a cultural, sporting, environmental or social association, club or organisation.
Include the name of any political party of which you are a member, any national or local body operating as a pressure group and any trade union or trade association.
3. Include all employments, whether full or part time, identifying the nature of each employment by use of job title or trade, occupation or profession.
4. Include the name of the person or body employing you. If you are a director, give the name of the body or company appointing you. Include for all directorships.
5. Include the name of the political party, or other person or body that has made a payment to you for election expenses.
Include the name of any person or body (other than the authority) making any payment to you for expenses incurred by you in carrying out your duties as a member. (e.g. travelling expenses)
6. If you own shares or other form of equity in a company or other body which has a place of business within the authority's area or owns land or property in the authority's area, you will need to consider whether the interest is to be included. Identify the nominal value; this is the amount of the shares indicated on the certificate, not the market value.

3. Organisational Management

3.1 The organisational management determining the delivery of the Ethical Governance arrangements is outlined within the attached Policy under the following headings:

- Roles and Responsibilities
- Engaging Stakeholders
- Transparent Decision Making
- Purpose and Planned Outcomes

4. Systems and Processes

4.1 The range of systems and processes established to monitor ethical conduct is extensive and covering both the Authority and Force. These are set out in section 4 of the Policy and cover:

- Procedures
- Handbooks
- Registers

5. Documented Standards of Conduct

5.1 A cornerstone to support the achievement of the highest possible standards of openness, integrity and accountability from both Members and Officers is to maintain clear, documented, communicated and understood standards of conduct.

5.2 Details of these standards are listed within section 5 of the Policy.

6. Monitoring

6.1 The effective monitoring of the arrangements for Ethical Governance and Ethical Performance sits internally across all the Authority's activities and externally through a range of inspection regimes. Examples of these arrangements are given in section 6 of the Policy.

7. Recommendation

7.1 Members approve the attached Policy on Ethical Governance

Report prepared by:

**Tony Brown
Consultant**



BEDFORDSHIRE POLICE AUTHORITY

Ethical Governance

REFERENCE NUMBER : BPA 03
RELATES TO PROCEDURE NO :
NEW or REVISED POLICY : New
Revises Policy Titled :
Revision History :
POLICY OWNER (Dept) : Bedfordshire Police Authority
POLICY AUTHOR (Job Title) : Tony Brown
IMPLEMENTATION DATE : 1st July 2007
REVIEW DATE : July 2009

POLICY OBJECTIVE

- The authority is community focussed embracing objectivity, fairness and diversity, exercising proper stewardship and objectivity in its decision making.
- The basis of all working is Honesty, Openness, Transparency, Trust and Respect for others. Officers and Members uphold the law and act with personal integrity in line with the Nolan principles (attached as appendix A.)
- There is recognition by Members and Officers of their individual and corporate responsibility to promote and encourage high standards of conduct throughout the Authority.
- Accountability is clear through established procedures with appropriate and open communication channels adopted and followed wherever possible.
- There is a public confidence that the Authority acts and it is seen to act with ethical integrity.
- Processes exist to record and deal appropriately with any situation of ethical ambiguity or conflict that may arise.
- The ethical framework is systematically and regularly reviewed for its implementation and operation and shows continuous improvement.

POLICY STATEMENT

1. Background

1.1 The Bedfordshire Police Authority provides a leadership role and focus for the Bedfordshire Community in relation to its policing service. Sitting with this is a responsibility to manage the affairs of the Authority through sound ethical governance principles, procedures and practices.

1.2 The ethical reputation of both the Authority and Force depends on the standards of conduct associated with Members, staff, officers and their agents. This document sets out the ethical standards required and details of the arrangements in place to achieve and monitor delivery of those standards.

1.3 **Definitions:** For the purposes of this Policy the following definitions are used:-

Governance- Governance comprises systems and processes for the direction and control of the Authority through which it engages with, leads and accounts to its local community and other stakeholders.

Ethical conduct- Displaying integrity, accountability and honesty with clear objectives aimed at public good.

1.4 Ethical Governance is concerned therefore with the standards of conduct of all holders of public office whether Members or officers of the Authority. It is also concerned with the policies and procedures in place to facilitate and monitor ethical conduct.

1.5 Ethical Governance of the Authority is part of its overall Corporate Governance. It sits together with other inter-related policies and procedures such as the Anti-Fraud and Corruption Policy providing the framework which underpins the sound and proper management of the Authority.

1.6 Ethical policies, procedures and conduct within the Authority are seen as affecting both individual and wider corporate responsibilities, relevant not only to personal conduct but also the operation of the Authority.

1.7 This Policy gives an overall guide to Members and Officers on how they are expected to conduct themselves when carrying out duties and responsibilities associated with the work of the Bedfordshire Police Authority. The Policy should be read in conjunction with the supporting procedures published by the Authority and referenced within this document.

2. Ethical Vision

2.1 Structure and process, whilst providing essential guidance and form to the ethical arrangements of the Authority, are only part of what is necessary to provide sound ethical governance.

2.2 The underpinning organisational ethical culture and values within which Members and officers of the Authority work will equally influence the ultimate outcomes.

2.3 **Organisational Ethical Values**-forming the ethical vision are:

- The authority is community focussed embracing objectivity, fairness and diversity, exercising proper stewardship and objectivity in its decision making:
- The basis of all working is Honesty, Openness, Transparency, Trust and Respect for others. Officers and Members uphold the law and act with personal integrity in line with the Nolan principles. (attached as appendix A.)
- There is recognition by Members and Officers of their individual and corporate responsibility to promote and encourage high standards of conduct throughout the Authority.
- Accountability is clear through established procedures with appropriate and open communication channels adopted and followed wherever possible.
- There is a public confidence that the Authority acts and it is seen to act with ethical integrity.
- Processes exist to record and deal appropriately with any situation of ethical ambiguity or conflict that may arise.
- The ethical framework is systematically and regularly reviewed for its implementation and operation and shows continuous improvement.

3. Organisational Management

3.1 Roles and Responsibilities: The Authority abides by legislative requirements related to ethical conduct such as the Freedom of Information Acts. It also has a range of documented and well understood internally defined roles and responsibilities established for the Authority, individual Members, staff, agents, contractors and the Force. These arrangements are clearly documented to ensure consistency of practice. Examples are:

- Standing Orders
- Financial Regulations
- Committee Terms of Reference
- Committee Chairmen Role descriptions
- Equality and Diversity Policy/Procedure
- Confidential Reporting Procedure

3.2 Engaging Stakeholders is a strategic and operational priority for the Authority. It is conducted through consultation on such things as policy development, policy decision making, policy implementation, monitoring, review and reporting. Examples are:

- Community Engagement Committee
- Performance Committee
- Council Tax Consultation
- Mori Survey on performance
- Citizens panel

3.3 Transparent Decision Making is managed through a 'confidentiality policy' of being as open as possible in respect of all dealings, subject to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so in line with legislative or policing requirements.

3.4 Purpose and Planned Outcomes are clearly articulated within published documents. Performance against such targets and standards are monitored for effectiveness through public documents at open meetings.

Examples of such documents and meetings are:

- Three year Strategic Plan
- Annual Budget
- Annual Operational Plan
- Annual Report
- Performance Committee
- Audit and Business Assurance Committee

4. Systems and Processes

4.1 *The Authority operates to documented, well understood, appropriate and current systems and processes which contain controls to establish and monitor ethical conduct.*

4.2 The range of such systems and processes is extensive and covers both the Authority and Force. Examples are:

- Human Resources Handbook
- Financial Instructions Handbook
- Anti-Fraud and Corruption Procedure
- Confidential Reporting (Whistleblowing) Policy/Procedure
- Declaration of Interests Register
- Registers of Hospitality and Gifts
- Procurement Policy
- Members Handbook

5. Standards of Conduct

5.1 A cornerstone in achieving the highest possible standards of openness, integrity and accountability from both Members and Officers is to have clear, documented, communicated and understood standards of conduct in place.

5.2 Policies and Procedures supporting the clarity and monitoring of ethical conduct are based on national and local standards that span both the Authority and Force. Examples are:

- Members Code of Conduct
- Staff Code of Conduct
- Personal Interests - Members
- Conditions of Service

6. Monitoring

6.1 The effective monitoring of the arrangements for Ethical governance and Ethical Performance sits internally across all the Authority's activities and externally through a range of inspection regimes.

Examples are:

- Authority Standards Committee
- Complaints and Professional Standards Committee
- Audit and Business Assurance Committee
- Internal and External Audit
- Related Party Returns
- Her Majesty's Inspectorate of Constabularies.

6.2. Reports emanating from inspectorates are channelled through the Authority's committee process that is normally open to the public and press. Resulting action plans are monitored for delivery through the same process.

7. Summary

7.1 The Authority strives to maintain the policies, procedures and organisational culture to deliver, support and monitor good ethical governance and exemplary ethical performance across the organisation.

7.2 The levels of actual performance against this policy are monitored regularly both internally and externally and the results made public.

7.3 Individual supporting policies and procedures are monitored on a regular basis to ensure they are current and appropriate to the task.

Bedfordshire Police Authority

June 2007

FREEDOM OF INFORMATION ACT ASSESSMENT

This policy is suitable for access by the General Public

Freedom of Information Officer Signature :

RATIFICATION BY Police Authority

Date:

Equality Impact Assessed

Date:

Appendix A

Principles of Public Life

Selflessness

Holders of public office take decisions 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 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 demand.

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