



BECOMING A COUNCILLOR

INFORMATION FOR CANDIDATES

2010

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Introduction

Woking Borough Council comprises 36 Members (Councillors) representing 17 Wards. One, two or three Councillors are elected by the electorate of each of the Wards of the Borough. The eligibility criteria for a person to be elected to a local authority are set out in the Local Government Act 1972.

Before being elected as a Councillor, you will have thought about what you want to achieve and made plans for dealing with the demands. However, the reality of becoming a Councillor may be different. New responsibilities, new ways of working, new relationships, legal and financial frameworks and many complicated duties and obligations will face you.

These notes have been prepared to offer an insight into the role and responsibilities of the Councillors of Woking Borough Council as information for prospective candidates.

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Elections

In Woking the Council is elected by thirds. A regular election of twelve Councillors in rotation is usually held on the first Thursday in May every three out of four years (the fourth year is the County Council elections). Therefore Councillors serve for a period of four years.

Guidance notes are provided by Councils for prospective candidates at local government elections on various aspects of the elections process itself. Copies are available from Kirsty Dodson, Elections Officer, Woking Borough Council, Civic Offices, Gloucester Square, Woking GU21 6YL, telephone 01483 743222 or e-mail elections@woking.gov.uk.

Local Government Powers and Structure

To carry out their role effectively, Councillors need to understand the structure of local government, the services it is responsible for and the relationship between Members and Officers (employees of the Council).

Local authorities are created by statute and their powers are determined by Parliament. This authority means that generally, actions carried out by Councils must be specifically provided for by law. Acts of Parliament lay down compulsory duties for authorities and also optional actions or powers.

Central government controls many of the activities of local government. The Council will be bound by Ministerial Directives and Regulations and many services will be inspected by the Audit Commission and other inspectorates. Some of the decisions taken by a Council may be the subject of an appeal to a Minister or a Government Department. Since local government power is embodied in statutes and regulations, decisions can also be challenged in the Courts for failure to follow proper legal processes.

Woking Borough Council

Woking Borough Council is part of the two-tier structure of local government in Surrey. In Surrey, the functions of local government are divided between Surrey County Council and the eleven District Councils. The County Council is responsible for more strategic functions and larger services such as education and social services, whilst the District Councils are responsible for more local services such as development control (determining planning applications) and housing. Although Woking has been granted "Borough" status by charter, in terms of structure and functions it is a District Council.

The main powers and responsibilities of Surrey County Council and Woking Borough Council are shown below:-

Surrey County Council	Education, Fire and Rescue, Highways, Libraries, Recreation, Arts and Museums, Strategic Planning, Trading Standards, Transport, Waste Disposal, Social Services
Woking Borough Council	Collection of Council Tax, Environmental Health, Public and Private Housing, Local Plans, Planning Applications, Public Conveniences, Arts and Museums, Sports and Sports Centres, Parks and Countryside, Car Parks and Parking, Footpaths, Waste Collection and Recycling, Street Cleaning

The Role and Functions of Councillors

Councillors are democratically accountable to residents of their Wards. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them, as well as the residents of the Borough as a whole.

All Councillors will be expected to fulfil the following roles:-

- (i) collectively be the ultimate policy-makers of the Council and make decisions on a number of strategic and corporate management functions;
- (ii) represent their communities and bring their views into the Council's decision-making process;
- (iii) deal with individual casework and act as an advocate for constituents in raising or resolving particular concerns or grievances;
- (iv) balance different interests identified within the Ward and represent the Ward as a whole;
- (v) be involved in decision-making;
- (vi) be available to represent the Council on other bodies; and
- (vii) maintain the highest standard of conduct and ethics.

Councillors will have certain rights of access to documents, information, land and buildings of the Council to assist them in discharging these functions.

Decision-Making

The Constitution

The Constitution sets out how the Council operates, how decisions are made and the procedures to be followed to ensure that these are efficient, transparent and accountable to local people. Parts of the Constitution are predetermined by law, whilst other parts are unique to Woking Borough Council.

The Constitution is divided into 14 Articles, which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols.

The Council

All 36 Councillors meet together as the Council and its meetings are open to the public. The Council meets seven times in each municipal year and is presided over by the Mayor, who is elected annually by the Council. The Council has jurisdiction over matters including adopting or changing the Council Constitution, approving and adopting the Policy Framework and Budget, overseeing appointments to and terms of reference for Committees and electing the Leader of the Executive.

The Executive

The Local Government Act 2000 meant that most authorities are moving away from the traditional decision-making structure of Committees and Sub-Committees to one where the executive decision-making function is separated from the monitoring and scrutiny functions of the Council.

The Executive is the part of the Council responsible for most day-to-day decisions and typically meets every four weeks. The Executive carries out all of the Council's functions which are not the responsibility of any other part of the Council and leads preparation of policies and budgets. The Executive has to make decisions which are in line with the Council's overall policy framework and budget and may be guided by recommendations from the Overview and Scrutiny Committee.

The Executive consists of the Leader together with five Councillors, and unlike other Committees, does not have to be politically balanced; the current Executive is made up of Conservative Councillors.

The Forward Plan of Key Decisions

The Forward Plan of Key Decisions is published monthly and covers a period of four months and contains decisions that are to be discussed or made by the Executive. If the Executive wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Strong Leader/Directly Elected Mayor

The existing Executive arrangements of the Authority are currently being reviewed in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007. New Executive arrangements, based on either a Leader with Cabinet Model (commonly referred to as the 'Strong Leader' option) or a Directly Elected Mayor with Cabinet, will be introduced in the Council in May 2011.

Overview and Scrutiny Committee

Following the Local Government Act 2000, Overview and Scrutiny is becoming one of the most important elements of local government. The Committee meets nine times a year, unless extra meetings are required to deal with specific issues.

The Overview and Scrutiny Committee reviews and scrutinises decisions made or actions taken in connection with the discharge of any of the Council's functions and exercises the right to call-in for reconsideration decisions made but not yet implemented by the Executive. This enables the Committee to consider, for example, whether the decision is consistent with the budget and policy framework and they may recommend that the Executive reconsiders the decision. Members of the Executive cannot serve on the Overview and Scrutiny Committee.

The other functions of the Committee include developing and reviewing Council Policy, scrutinising the performance of the Council and its Committees and considering any matter of local concern affecting the Borough. Recommendations can be made to the Council or the Executive.

Standards and Audit Committee

Each Local Authority in England (other than Parish Councils) must establish a Standards Committee which is responsible for the promotion and monitoring of high standards of conduct and advising on the local Members' Code of Conduct within its authority. The Woking Borough Council Standards and Audit Committee is made up of five Councillors and three Independent Members who are not Councillors or employees of the Council. The Standards and Audit Committee is also responsible for monitoring the audit of the Council's services.

Other Committees

The Council also appoints a number of Committees to perform specific legislative or quasi-judicial functions. In most cases, these Committees may take decisions without reference to the Executive. The functions of the Appeals, Licensing and Planning Committees are summarised below:-

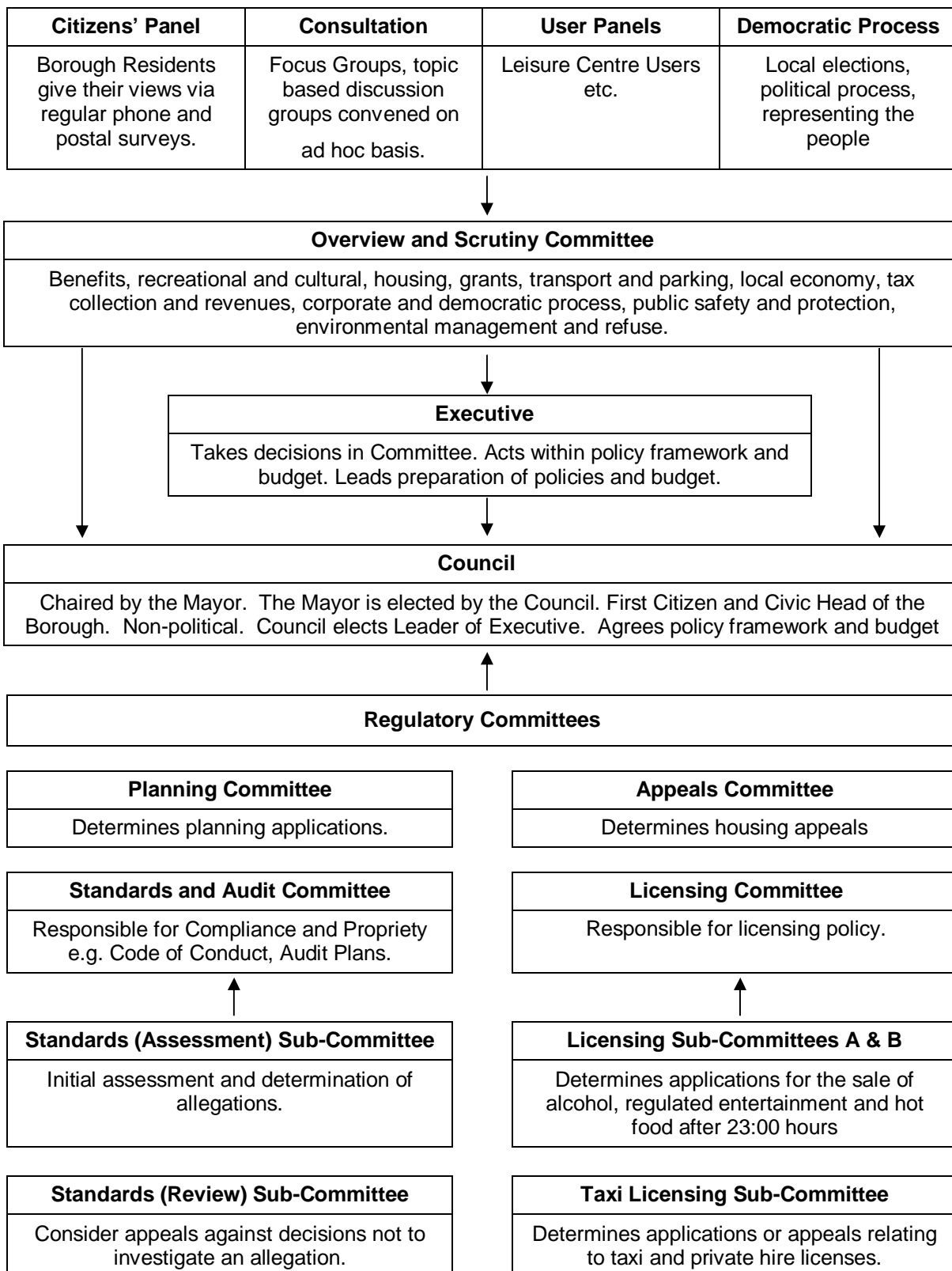
- Appeals Committee** - Determines housing appeals.
- Planning Committee** - Determines planning and related applications, enforces development and building control.
- Licensing Committee** - Determines Licensing applications or appeals relating to taxis and hire cars, public entertainment licensing, street trading, house-to-house and street collections, food preparation, health and safety at work and animal establishments. There are two Licensing Sub-Committees which are responsible for determining applications relating to the sale of alcohol and gambling. There is also a Tax Licensing Sub-Committee, responsible for considering applications or appeals relating to taxi and private hire licenses.

Working Groups

There are a number of Member and Officer Working Groups, including Task Groups, Consultation Groups and User Panels. The Working Groups are topic based and deal with a specific range of issues. There are a number of permanent Working Groups and others are formed on a 'Task and Finish' adhoc basis to deal with particular issues of concern. Examples of current Member Groups (some of which also involve officers or outside representatives) include the Housing Task Group, Woking Palace Consultation Panel, Local Agenda 21 Liaison Group, Goldsworth Park Lake Users Group, the Finance Task Group and the Climate Change Working Group.

A diagram showing the Council's committee structure is set out overleaf.

Committee Structure



Meetings

All Councillors can expect to be appointed to serve upon two or possibly three Committees and/or Working Groups. These meetings are usually held in the Civic Offices in Woking in the evening and the Calendar for Committee meetings is agreed each December for the following municipal year. Working Groups may be held during the day, and Members are consulted about dates for Working Group meetings. Meetings can be expected to last for two to three hours, but can last longer. Councillors can expect to attend between 2 and 4 such formal meetings each month, depending on how many Committees or Working Groups they are appointed to. However, this time commitment can increase significantly with attendance at seminars, training and informal working groups or appointment to external organisations as the Council's representative. Appointment to official positions such as Leader of the Executive, Chairman of a Committee or Political Group Leader will also increase the time commitment involved.

The conduct of meetings of the Council, Executive, Committees and Working Groups is governed by the Rules of Procedure contained in the Constitution. The interpretation of these rules is the responsibility of the Chairman. However, all Councillors need to familiarise themselves with the content to ensure they comply with the rules and can challenge if they believe they have been broken. The Rules of Procedure specify matters such as the timing of Council meetings, the order of business, rules of debate and voting.

Agendas for Committees are made available electronically to all Councillors and paper copies are sent to the Members of the Committees at least a week in advance of the meeting. If there are issues of interest to Members or of concern to their Wards, they may ask the Chairman if they can speak at the meeting, but they cannot vote unless they are a member of the Committee or Working Group concerned. These agendas are available to the public and press, except those parts which disclose confidential information.

Formal minutes recording the decisions made at all meetings are produced and these are also available to the public.

Preparation for meetings is very important and Councillors need to have read the agenda and any attached papers before the meeting. Proper preparation enables Members to raise matters of uncertainty or concerns with Officers prior to the meeting. Members may also wish to consult local groups and constituents or party colleagues on certain issues before discussing them at the meeting.

Membership of Outside Bodies

As well as being a member of the Council's own Committees or Working Groups, Councillors are often asked to sit on the committee of a voluntary or other local body. Many find this a very rewarding aspect of their role. The Council currently appoints Members to a wide-range of statutory and voluntary organisations covering issues such as sport and recreation, social and welfare, youth and community, education, culture and environment.

The Council's Employees

The Council employs Officers to give advice, implement decisions and manage the day-to-day delivery of its services. Officers may also take decisions on matters where authority has been delegated to them by a Committee.

The Chief Executive, Ray Morgan, is the Head of the Paid Service with responsibilities for all paid employees. The Deputy Chief Executive is Douglas Spinks. There are three Executive Directors – Mark Rolt, Sue Barham and Steve Bonsor. The five Officers make up the Council's Corporate Management Group which meets frequently to discuss the corporate management of the Council. The Corporate Management Group and other senior officers will advise the Executive, Committees and Working Groups on policy and other required decisions.

The Council is divided into eleven Business Areas, each with separate responsibilities. Each Business Area is led by a Business Manager. The responsibilities of each Business Area and the names of the Business Managers are shown in a table in Appendix 1 at the end of this document.

Officers are employed to manage the Council's business and to help Councillors achieve their policy goals. However, from time-to-time, Officers may advise Members that a certain course of action cannot be carried out. Officers have a duty to give unbiased professional advice – even if it is not what Members want to hear. Mutual respect is the key to establishing good Member-Officer relations and close personal familiarity should be avoided.

Conduct of Councillors

Councillors must at all times observe the Council's Members' Code of Conduct to ensure high standards in the way they undertake their duties. Following elections Members are asked to sign the declaration of acceptance of office including an undertaking to be guided by the code of conduct. This duty to observe the Code primarily applies to situations where Members are undertaking official duties or acting as a representative of the Council. A copy of the code of conduct is attached as Appendix 2.

In summary, they should:

- not do anything which brings the Council or their office into disrepute;
- not misuse their official position to their own advantage or to the advantage or disadvantage of others;
- promote equality by not discriminating against others;
- treat others with respect;
- respect confidential information;
- listen to the advice of Officers where the matter relates to possible illegal decisions or spending;
- inform the Standards Board for England if they believe another Member has broken the Code;
- not seek to compromise the impartiality of any person who works for the Council; and
- not misuse Council resources or authorise their misuse, in particular for unauthorised party political purposes.

Members are also required to register a range of financial and personal interests, details of which are contained in the Code of Conduct. The Register of Members' Interests is available

for public inspection. These interests will include employment and business activities, property and share ownership and membership of other organisations.

Alongside the Register, Members are also required to disclose any financial or personal interest they may have in any matter being considered at a Council meeting. This may prevent a Member from speaking on the issue concerned or require them to leave the meeting whilst it is being considered.

The Council's Standards and Audit Committee provides training and advice on compliance with the Code and Officers will be prepared to offer advice when required. However, ultimate responsibility will rest with the individual Member.

Support Services for Members

To be efficient and effective, elected Members need a range of support services. In Woking, in addition to the advice and support available from Officers, such services include:-

- personal computer and printer
- electronic access to information systems
- photocopying facilities
- use of Members' Room and Library in the Civic Offices and its facilities
- training and development opportunities
- weekly courier service for Members' mail
- political group offices
- civic stationery and computer supplies
- car parking pass valid for all Council owned car parks
- use of meeting rooms and accommodation for surgeries

Councillors are entitled to receive allowances in accordance with a Members' Allowances Scheme approved by the Council. At present, all Members receive a basic allowance of £6,855 each year which is subject to a cost of living increase on an annual basis. Members are also entitled to childcare and dependent carer's allowance and travel and subsistence allowance.

Further Information

If you have any questions relating to the information contained in this document please do not hesitate to contact Member Services (Telephone 01483 743863 or Email memberservices@woking.gov.uk.)

Woking Borough Council
Civic Offices
Gloucester Square, Woking GU21 6YL
Tel: 01483 755855
www.woking.gov.uk

RESPONSIBILITIES OF CORPORATE MANAGEMENT GROUP

Chief Executive	Ray Morgan, OBE, CPFA
Deputy Chief Executive	Douglas Spinks, BA (Hons), MRTPI
Strategic Director	Sue Barham
Strategic Director:	Steve Bonsor
Strategic Director	Mark Rolt, BSc, DipEH, MBA

Each member of the Corporate Management Group will have a lead cross cutting role; these may be revised from time to time by the Chief Executive. The Business Areas are grouped under the Corporate Management Group Director responsible for the area.

Sue Barham – Strategic Director

Children and Young People, Cultural Strategy.

Independent Living Services – (Independent Living Manager) (Hilary Thomas)

Brockhill, Careline, Centres for the Community, Home Improvement Agency, Home Support, Meals on Wheels.

Leisure Services – (Leisure Services Manager) (Stuart Harding)

Leisure Centre and Pool in the Park.

Neighbourhood Services – (Neighbourhood Services Manager) (Geoff McManus)

Environmental Health, Community Development Officers, Community Development (interest – youth, older people, art etc), Community Safety, Civil Contingencies, Grounds Maintenance/ Street care, Neighbourhood Officers, Land Drainage, Licensing, Parking Services (and civil enforcement), Waste Management Contract (Inc recycling operations), Town Centre and market management/ promotion.

Steve Bonsor – Strategic Director

Investment Programme Strategy

Financial Services - Financial Services Manager (Leigh Clarke)

(Deputy S.151 Officer)

Creditors, Debtors, Financial Services, Internal Audit Service, Liaison with external audit.

Information Technology – Information Technology Manager (Adele Devon)

E Government/ Transformation, GIS, IT Services excluding end user support, network maintenance & operations, Web Management.

Revenue and Benefit Services – Revenue & Benefits Manager (David Ripley)

Council Tax, Business Rates, Benefits, Customer Services – incorporating Cash Office & Contact Centre

Mark Rolt – Strategic Director

Business Efficiency, Citizen Engagement and Self Service, Human Resources, Legal Services.

Corporate Strategy – Corporate Strategy Manager (David Johnson)

Business Continuity, BVPI and Corporate govt returns, Consultation (coordination and central recording/ analysis), Corporate Strategy Integration, Change Management, Climate Change & Sustainability, Civil Contingency Strategy and Planning, Corporate Risk Management, Economic Development, Electoral Registration & Elections, Equalities, Internal Communications, Innovation and Corporate Support, Marketing & Communications, Member Services (Inc CMG support), Partnership development/ management including LSP, Performance Management and monitoring, Procurement, Project Management.

Housing Services – Housing Services Manager (Lawrence Dey)

Housing Allocations, Housing Needs & Enabling - including PFI Project, Housing Maintenance (Inc Pride and repair service), Housing Options, Housing Rents, Housing Tenant & Leasehold Management

Douglas Spinks - Deputy Chief Executive

Business Continuity, Civil Contingences, Local Development Framework, Sustainable Development & Regeneration, The Mayor & Civic Functions.

Asset Management - Asset Manager (Diane Spencer)

CCTV, End user support, network, telephony & IT operations, Facilities Management (Inc countryside and community assets), Health and Safety, Insurance, Property Services, Valuation Services.

Planning Services – Borough Planning Officer (Adrian Bishop)

Building Control, Development Control, LDF development (plus associated planning policies).

HG Wells – H G Wells Manager (Chris Norrington)

H G Wells Conference & Events Centre

WOKING BOROUGH COUNCIL – MEMBER CODE OF CONDUCT

PART 1 – GENERAL PROVISIONS

PART 2 – INTERESTS

PART 3 – REGISTER OF MEMBERS' INTERESTS

Woking Borough Council – Member Code of Conduct

Part 1

General provisions

1. Introduction and interpretation

- (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.
- (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.

2. Scope

- (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.
- 3. General obligations**
- (1) You must treat others with respect.
 - (2) You must not –
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be -
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,
 in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- 4. You must not -**
- (1) 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 -
 - (a) you have the consent of a person authorised to give it;
 - (b) you are required by law to do so;
 - (c) 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
 - (d) the disclosure is -
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (2) 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 –**
- (1) 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
 - (2) must, when using or authorising the use by others of the resources of your authority -
 - (a) act in accordance with your authority's reasonable requirements;
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and

- (3) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by -
- (a) your authority's chief finance Officer; or
 - (b) your authority's monitoring Officer,
- where that Officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

8. Personal interests

- (1) You have a personal interest in any business of your authority where either -
- (a) it relates to or is likely to affect -
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body -
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;

- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

9. Disclosure of personal interests

- (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.

10. Prejudicial interests generally

- (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.

11. Prejudicial interests arising in relation to overview and scrutiny committees

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.

12. Effect of prejudicial interests on participation

- (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

13. Registration of members' interests

- (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.

14. Sensitive information

- (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.