



HILLINGDON
LONDON



Standards Committee

Date: WEDNESDAY, 29
FEBRUARY 2012

Time: 7.00 PM

Venue: COMMITTEE ROOM 4A -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

TO:

Allan Edwards, (Chairman),
Malcolm Ellis, (Vice-Chairman)
James Keys, (Independent
Member)

Councillors Barrett,
Corthorne,
Harmsworth,
Hensley,
Khursheed,
Lewis,
Markham and
Riley

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INVESTOR IN PEOPLE

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Agenda

- 1 Apologies for Absence
- 2 Minutes
To approve the minutes of the meeting of the Committee held on 5 September 2011 (*attached*)
- 3 Declarations of Interest
To note any declarations of interest in any matter before the Committee
- 4 Confirmation that all items marked Part I will be considered in public and those marked Part II, in private

PART I

- 5 Review of Work Programme
To consider and update the Committee's Work Programme
- 6 Gifts and Hospitality Annual Report
To note the annual report on gifts and hospitality received (*attached*)
- 7 Standards and Ethics Indicators
To consider and note the annual indicators (*attached*)
- 8 The Localism Act 2011 - A New Ethical Framework
To consider the implications of the Localism Act 2011 (*attached*)

PART II

- 9 Complaints Monitoring

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Minutes

Standards Committee
Monday, 5 September 2011
Meeting held at Committee Room 3 - Civic Centre,
High Street, Uxbridge UB8 1UW



Published on: 6 September
Come into effect on: Immediately

Members Present: Allan Edwards (Chairman), James Keys (independent member),
Councillors Barrett, Corthorne, Gilham, Harmsworth, Hensley, Lewis and Riley

Officers Present: Messrs Alagh and White

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Vice-Chairman, Mr Ellis, Councillors Khursheed and Markham (for whom Councillor Gilham was substituting).

2. MINUTES

The minutes of the meeting held on 1 June 2011 were taken as read and confirmed.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. CONFIRMATION THAT ALL ITEMS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND THOSE MARKED PART II, IN PRIVATE

5. REVIEW OF WORK PROGRAMME

The Committee's work programme for 2011/12 was noted.

6. FUTURE OF THE STANDARDS FOR ENGLAND REGIME

Members received an update on the work to date of the Code of Conduct Working Group established at the last meeting to consider the potential content of a voluntary Code of Conduct for Members along with a proposed complaints and disciplinary procedure, to be put in place once the Localism Act received Royal Assent and the current Standards for England regime ceased to operate.

To date the Working Group had produced a revised Code of Conduct which included a new 'Whips' Protocol' to formalise the process whereby initial referral of complaints against Members to the appropriate Whips Office would become the normal procedure. In addition the Working Group had revised the standard complaint form, reviewed the complaints procedure and examined the current Planning Code of Conduct for Members and the ICT Code for likely required changes.

It was noted that there were several areas that would need further examination once the final wording contained in the Act were known, especially with regard to the Council's powers to deal with complaints and impose sanctions. Members felt strongly that if the Council were to have an effective complaints procedure then it would need to be supported by a strong sanctions regime. It was noted that currently the Bill did not specify what sanctions might be available to local authorities although any sanction would need to be reasonable and proportionate. The Committee agreed that appropriate representations should be made to try and ensure that the Act contained provision for sanctions to be imposed by a local authority against Members found to be in breach of the Code.

Finally it was noted that the recommendations of the Standards Committee in relation to this item would need formal approval by the full Council as soon as possible after the Act received Royal Assent. It was agreed that the final version of the proposed revised, voluntary Code should be circulated to Members for comments before being submitted to Council.

RESOLVED: That:

- a) the Code of Conduct Working Party be thanked for their work to date and the documents produced so far be approved in principle, subject to any further changes that may be required once the Act receives Royal Assent.**
- b) representations be made through appropriate channels with regard to the inclusion in the Act of appropriate sanctions to be available to local authorities should there be a breach of the voluntary Code of Conduct.**

7. COMPLAINTS MONITORING

This item was considered in Part II without the press or public present as it contained confidential information as defined in the Local Government (Access to Information) Act 1985.

The Committee noted details of all complaints made against Members or determined in the last six months.

WORK PROGRAMME 2011/ 2012

Reporting Officer: Head of Democratic Services

REASON FOR REPORT

To enable the Committee to track the progress of its work in accordance with good project management practice.

RECOMMENDATION: That Members note the Work Programme and make any amendments as appropriate.

BACKGROUND DOCUMENTS: None.

STANDARDS COMMITTEE WORK PROGRAMME (*Shading indicates completed meetings*)

MEETING DATE	AGENDA ITEM
1 June 2011	<ul style="list-style-type: none"> Review work programme Future of the Standards Regime Complaint Monitoring (Part II)
5 September 2011	<ul style="list-style-type: none"> Review work programme Update on Revised Code of Conduct / Localism Bill Complaint Monitoring (Part II)
30 November 2011	<ul style="list-style-type: none"> Meeting cancelled
29 February 2012	<ul style="list-style-type: none"> Review work programme Localism Act 2011 Standards and Ethics monitoring annual report Complaint Monitoring (Part II)
13 June 2012	<ul style="list-style-type: none"> Review work programme New Standards regime – recommendation to Council Appointment of Independent Person – recommendation to Council Complaint Monitoring (Part II)
4 September 2012	<ul style="list-style-type: none"> Review work programme Complaint Monitoring (Part II)
28 November 2012	<ul style="list-style-type: none"> Review work programme Complaint Monitoring (Part II)
27 February 2013	<ul style="list-style-type: none"> Review work programme Complaint Monitoring (Part II)

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GIFTS & HOSPITALITY ANNUAL REPORT 2011

Reporting Officer: Lloyd White, Head of Democratic Services

SUMMARY

This report provides an annual summary of gifts and hospitality accepted by staff and Members. The report on staff declarations is considered annually by the Council's Corporate Management Team and is submitted to Members as part of the annual monitoring of ethical standards within the authority.

RECOMMENDATION: That the report be noted.

INFORMATION

STAFF

The Council's Golden Rules on gifts and hospitality require Corporate Directors to keep a register of declarations made by staff and for an annual report to be made to Management Team.

The summary of declarations by Directorate is set out below:

Central Services – Total of 55 declarations

- 26 declarations of gifts and 29 of hospitality.
- 3 offers in total were declined.
- The majority of gifts were thank you, token gifts.
- The majority of hospitality were networking events
- 1 gift accepted was a necklace, this was passed to the Mayor's charity.

Planning, Environment, Education, Children's Services – Total of 66 declarations

- 43 declarations of gifts and 23 of hospitality.
- 8 offers in total were declined.
- The majority of gifts were thank you, token gifts.
- The majority of hospitality were networking events.
- A gift of £20 cash was declined but circumstances meant officers were unable to give the money back. This was donated to the Mayor's charity.

Social Care, Health & Housing – Total of 49 declarations

- All declarations were gifts.
- All offers were accepted.
- The majority of gifts were thank you seasonal gifts.
- A £400 donation was accepted and went to a EVF fund to benefit service users.
- A £20 gift card was accepted and sent to the Mayor's charity.
- 2 bottles of perfume were accepted and sent to the Mayor's charity.

MEMBERS

The Member Code of Conduct requires Members to declare all offers of gifts and hospitality, whether accepted or declined, for registration in a register which is kept available for inspection and on line and in hard copy:

IN the past year declarations have been received from:

Councillor J. Cooper:

October 2011 - Attended Town Twinning planning meeting - Mantes

Councillor Corthorne:

21.01.11 - Ruislip Manor Cottages Society Centenary Dinner

20.01.12 - Ruislip Manor Cottage Society Dinner - £30

Councillor Crowe:

21.01.11 - Ruislip Manor Cottages Society Centenary Dinner - @£30

20.01.12 - Ruislip Manor Cottage Society Dinner - £30

Councillor Duncan:

17.04.11 - gift of handbag from the committee of Sikh Gurdwara, Golden Crescent, Hayes - £30

Councillor Higgins:

15.03.11 - Adizone, Adidas - gift of tracksuit at Adizone opening - £70

21.12.11 - QPR Community Trust - receipt of football tickets and 4 child football shirts - £90

Councillor Khursheed:

17.04.2011 - gift of tie and cuff links from the committee of Sikh Gurdwara, Golden Crescent, Hayes, (£28)

Councillor Puddifoot:

04.08.11 - Dinner for self and wife at RAF Northolt - £50

09.09.11 - Battle of Britain Annual reception invite for self and wife - £25

12.11.11 - Royal British Legion - 2 tickets to Festival of Remembrance at Royal Albert Hall

Councillor Riley:

20.01.12 - Ruislip Manor Cottage Society Dinner - £30

Councillor Simmonds:

09.05.11 - Barry Townsley, Hobart Capital Markets - Lunch - £25

22.09.11 - CEEP - dinner at Gordon Ramsay restaurant with French local government delegation - £50

03.10.11 - ASCL - dinner at Conservative Party Conference - £35

03.10.11 - Patrick Woodman, Chartered Management Institute - lunch at Radisson Hotel, Conservative Party Conference - £25

06.10.11 - Eversheds LLP - dinner for committee of CEEP - £30

STANDARDS AND ETHICS INDICATORS 2011

Reporting Officer: Lloyd White, Head of Democratic Services

SUMMARY

This report sets out summary information on a range of topics, by which to gauge the corporate health of the authority in relation to Standards and Ethics.

RECOMMENDATION: That the report be noted.

INFORMATION

The Committee has agreed to receive regular reports on a range of standards and ethics indicators and presenting this information in the public arena will demonstrate that the Council is conducting its business in a lawful, transparent manner and that any transgressions are dealt with according to due process.

1. Audit Commission public interest reports

Nil return

2. Investigations undertaken by Standards for England

Nil return. Please refer to the report in Part II for details of the investigations under taken by the LBH Standards Committee.

3. Whistle-blowing incidents reported

Nil return

4. Challenges to procurement decisions

Date	Details	Outcome
27th April 2011 (until 10th June 2011)	Support and Accommodation based services for Young People and Care Leavers tender - the incumbent provider challenged the outcome of the 5 lots tender as they had not been awarded any of the 5 lots. The challenge was against the procurement processes and evaluation	Challenge withdrawn

5. Employment Tribunal cases received and/or settled

9 ET cases were dealt with in 2011.

- 2 cases were dismissed (one has appealed the dismissal)
 - unfair dismissal and unpaid annual leave
 - unfair dismissal and unfair discrimination (appealed)

- 3 cases were withdrawn
 - unfair dismissal and whistleblowing
 - unfair dismissal
 - sex discrimination on grounds of pregnancy and maternity

- 4 cases are ongoing
 - unfair dismissal and race discrimination
 - unfair dismissal
 - equal pay and race and sex discrimination
 - unfair dismissal, age and sex discrimination and unpaid notice pay

6. Declarations of Interest made by officers in relation to Council contracts

Date	Details	Department / Team
12.06.11	Officer's partner was employed by Total Contract Maintenance Ltd (LBH Contractor) but was made redundant. He successfully applied for a vacancy at RS Gormanley (another LBH Contractor) and started employment on 4 July 2011. Confirmed that same restrictions will apply as before.	Business Support Manager – Newport Road
15.06.11	Officer's brother was employed by RS Gormanley which created a conflict of interest as officer would be signing off work that has been awarded to RS Gormanley and his brother would be managing the work on that contract. Manager received assurances that brother Denis Walsh will not be working on LBH contracts and will be expanding the business elsewhere. If this should change, he will be notified in writing.	Repairs Inspector Manager
25.11.11	Officer invited to her partner's Christmas party. He works for RS Gormanley (LBH Contractor).	Business Support Manager – Newport Road

7. Declarations of Prejudicial Personal Interest made by Members at Meetings

Note: A Member with a *personal* interest in any matter being considered must declare that interest but may remain in the meeting, speak and vote. If a member of the public, knowing all the relevant facts, would view that personal interest as so significant that it is likely to prejudice the Member's judgment of the public interest, then that is deemed a *prejudicial personal interest*. A Member with a *prejudicial personal interest* must declare that interest but may not speak or vote on the item and must leave the room while that item is being considered.

Monday, 24th January, 2011 7.00 pm - Central & South Planning Committee

5. RAF Uxbridge, Hillingdon Road, Uxbridge - 585/APP/2009/2752 & 2754

- Councillor Judith Cooper - Personal - A member of the T Lawrence society

Tuesday, 25th January, 2011 7.00 pm - Central & South Planning Committee

6. Underground Operations Room, RAF Uxbridge, Hillingdon Road, Uxbridge - 585/APP/2010/2902

- Councillor Stead - Personal - A member of the 'Friends of the Bunker'
-

Tuesday, 25th January, 2011 7.00 pm - Central & South Planning Committee

9. 51 Chiltern View Road, Uxbridge - 64176/APP/2010/2097

- Councillor Judith Cooper - Personal - Application in her ward

12. Brunel University, Kingston Lane, Hillingdon - 532/APP/2010/1964

- Councillor Stead - Personal - Application in his ward
- Councillor Hensley - Personal and Prejudicial - An ex Don and an academic advisor of the University.
- Councillor Curling - Personal and Prejudicial - An employee of the University.

13. 20 Pield Heath Road, Hillingdon - 21661/APP/2010/1716

- Councillor Brian Stead - Personal - Application in his ward.

16. 1 Derby Road, Uxbridge - 60777/APP/2010/2713

- Councillor Judith Cooper - Personal and Prejudicial - A neighbour of the application site.

17. Tesco Stores Ltd, Glencoe Road, Yeading - 36999/APP/2010/2512

- Councillor Duncan - Personal - Application in her ward.
-

Thursday, 27th January, 2011 7.00 pm - Social Services, Health and Housing Policy Overview Committee

Budget Report

- Councillor Kemp - Personal - as a current Council tenant.
-

Thursday, 3rd February, 2011 7.00 pm - North Planning Committee

6. Former Reindeer PH, Maxwell Road, Northwood 18958/APP/2010/2210

- Councillor Melvin - Personal and Prejudicial

8. 76 Exmouth Road, Ruislip 66257/APP/2010/1112

- Councillor Kauffman - Personal

9. 95-97 High Road, Ickenham 63771/APP/2010/2174

- Councillor Lavery - Personal
-

Thursday, 17th February, 2011 7.00 pm - Central & South Planning Committee

9. 28,30& 32 + RO 22, 24, 26 & 34 Oakdene Road, Hillingdon - 66706/APP/2010/2673

- Councillor Bridges - Personal and Prejudicial - Had been in contact with the petitioners about the application.

12. Land adjacent to 135 Bourne Avenue, Hayes - 13276/APP/2010/2168

- Councillor Dhillon - Personal and Prejudicial - Had been in contact with the petitioners about the application

14. 40 Micawber Avenue, Hillingdon - 10947/APP/2010/1714

- Councillor Stead - Personal - application in his Ward.

15. Lock up garage site rear of 22, 23, 24, 25, 26, 28 and 30 St Peters Road, Cowley - 66045/APP/2010/1477

- Councillor Stead - Personal - application in his Ward.

17. Imperial College Training Ground, Sipson Lane, Harlington - 17488/APP/2010/1044

- Councillor Buttivant - Personal - Works with the applicants

20. 15 Burleigh Road, Hillingdon - 61306/APP/2010/2610

- Councillor Bridges - Personal - application in his Ward.
-

Thursday, 17th February, 2011 7.00 pm – Cabinet

8. The Council's Budget: General Fund Revenue Budget and Capital Programme 2011/12

- Councillor MacDonald - Personal and Prejudicial - involvement in the Hillingdon Music Service.
- Councillor Douglas Mills - Personal - as a Governor of Ruislip High School and due to a family interest in the Willow Tree Centre.

7. Monthly Council Budget Monitoring Report - Month 9

- Councillor Douglas Mills - Personal - being personally affected by the proposed High Speed 2 rail route.

Thursday, 17th February, 2011 7.30 pm - Executive Scrutiny Committee

5. Consideration of Any Call-Ins of Decisions Made at the Cabinet Meeting on 17 February 2011

- Councillor MacDonald - Personal and Prejudicial - Cabinet Agenda Item 8 – The Council's Budget: 12 as family members and herself have links with Hillingdon Music Service.
- Councillor Lavery - Personal - Cabinet Agenda Item 9 – Schools Budget 2011/12 as a Governor of Ruislip High School.

Thursday, 24th February, 2011 7.30 pm - Council

5. Report of the Head of Democratic Services

- Councillor MacDonald - Personal and Prejudicial – Appointment of Champion & Establishment of Working Group to Review Support for Music Tuition, due to involvement with the Hillingdon Music Service.

8. Council General Fund Revenue Budget and Capital Programme 2011/12

- Councillor MacDonald - Personal and Prejudicial - due to her involvement with the Hillingdon Music Service
- Councillor Yarrow - Personal - as a School Governor at Ruislip High School.
- Councillor Douglas Mills - Personal - as a School Governor at Ruislip High School, had a family connection with the Willow Tree Centre and his house was in the proximity of the proposed HS2 route.
- Councillor Lavery - Personal - as a School Governor at Ruislip High School
- Councillor Bianco - Personal - as he had a family connection with the Willow Tree Centre, and remained in the room during the consideration thereof.
- Councillor Richard Mills - Personal - as had a family connection with the Willow Tree Centre and as a beneficiary of a trust relating to a property in the proximity of the proposed HS2 route
- Councillor O'Brien - Personal - as a user of the Willow Tree Centre

Friday, 4th March, 2011 10.00 am - Licensing Sub-Committee B

5. New Temporary Tables & Chairs Report

- Councillor Kelly - Personal - as knew the applicant.

Tuesday, 8th March, 2011 7.00 pm - Central & South Planning Committee

6. Former Honeywell Site, Trout Road, Yiewsley - 335/APP/2010/1615

- Councillor Gilham - Personal and Prejudicial - As in its first refusal early last year, he signed the petition and assisted the Waterside Action Group who were the petitioners at that time.

Thursday, 10th March, 2011 5.00 pm - Audit Committee

6. Deloitte - 2010/11 Annual Audit Plan

- Councillor Lewis - Personal - as a Member of the Pensions Committee.

8. Internal Audit Progress Report

- Councillor George Cooper - Personal - wife a Governor of Charville Foundation Primary School and he was a Governor of St Mary's Catholic Primary School.

18. Risk Management Report 2010/11 - Quarter 3 - PART II

- Councillor George Cooper - Personal - as a Trustee of Groundwork Thames Valley.

Tuesday, 15th March, 2011 7.00 pm - North Planning Committee

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6. London School of Theology, Green Lane, Northwood 10112/APP/2010/2915

- Councillor Melvin - Personal and Prejudicial.

9. 37 Edwards Avenue, Ruislip 65680/APP/2011/36

- Councillor Kauffman - Personal

Wednesday, 16th March, 2011 7.30 pm - Corporate Services and Partnerships Policy Overview Committee

5. Review - The Security of Members of the Council when meeting with members of the public

- Councillor MacDonald - Personal - Because of a recent ongoing personal safety incident with one of her constituents.

Thursday, 17th March, 2011 7.00 pm - Cabinet

19. Building Contract for the Ruislip High School 6th Form Extension

- Councillor Douglas Mills - Personal - as Chairman of the School Governing Body.

9. Modification to a condition for enlarging Whitehall Infant and Junior Schools

- Councillor George Cooper - Personal - as his property backed onto the school concerned.
- Councillor Judith Cooper - Personal - as her property backed onto the school concerned.

15. Phasing of the New Years Green Lane redevelopment of the Civic Amenity Site

- Councillor George Cooper - Personal - as a trustee of the Groundwork Trust

17. Statutory Determination of New Years Green Lane Landfill Site

- Councillor George Cooper - Personal - as a trustee of the Groundwork Trust

Thursday, 17th March, 2011 7.30 pm - Executive Scrutiny Committee

5. Consideration of Any Call-Ins of Decisions Made at the Cabinet Meeting on 17 March 2011

- Councillor Edward Lavery - Personal - Agenda Item 19 of the Cabinet Agenda – Building Contract for the Ruislip High School 6th Form Extension as he was a Governor of Ruislip High School.

Tuesday, 29th March, 2011 7.00 pm - Central & South Planning Committee

15. Enforcement Report

- Councillor Janet Duncan - Personal and Prejudicial - Lives in the road as the enforcement site.

Thursday, 7th April, 2011 10.00 am - Licensing Sub-Committee A

2. Declarations of Interest in matters coming before this meeting

- Councillor Barrett - Personal - Resides in Uxbridge South Ward.
- Councillor Allen - Personal - A Townfield Ward Councillor.

Thursday, 7th April, 2011 7.00 pm - North Planning Committee

11. Flat 1, 38 Murray Road, Northwood - 20748/APP/2010/1766

- Councillor Melvin - Personal - as she lived in the road.

Thursday, 14th April, 2011 7.30 pm - Executive Scrutiny Committee

5. Consideration of Any Call-Ins of Decisions Made at the Cabinet Meeting on 14 April 2011

- Councillor MacDonald - Personal and Prejudicial - In relation to Cabinet Agenda Item 20 - Hillingdon Music Service, as her family members and herself have links with Hillingdon Music Service.

Tuesday, 19th April, 2011 7.00 pm - Central & South Planning Committee

18. Enforcement Report

- Councillor Duncan - Prejudicial - Had previously assisted the applicant as a Ward Councillor

Tuesday, 26th April, 2011 6.00 pm - External Services Scrutiny Committee

5. Performance Review of the Local NHS Trusts

- Councillor Kemp - Personal and Prejudicial - as a governor of Central & North West London NHS Foundation Trust.

Thursday, 12th May, 2011 7.30 pm - Council

11. Policy Overview and Scrutiny Committees Annual Report

- Councillor George Cooper - Personal - as he was a trustee of Groundwork Thames Valley

Monday, 23rd May, 2011 1.00 pm - Pensions Committee

5. Re-investment of Alliance Bernstein Allocation

- Andrew Scott - Personal - Member of the Local Government Pension Scheme
- Councillor David Simmonds - Personal - Member of the Local Government Pension Scheme
- Councillor Janet Duncan - Personal - Member of the Local Government Pension Scheme
- Councillor Paul Harmsworth - Personal - Member of the Local Government Pension Scheme
- Councillor Philip Corthorne MIPD - Personal - Member of the Local Government Pension Scheme
- Councillor Richard Lewis - Personal - Member of the Local Government Pension Scheme
- John Holroyd - Personal - Member of the Local Government Pension Scheme.

Tuesday, 24th May, 2011 7.00 pm - Central & South Planning Committee

8. Land at 28 and R/O 22, 24, 26 & 34 Oakdene Road, Hillingdon 66706/APP/2010/2673

- Councillor Bridges - Personal and Prejudicial - Had spoken to the petitioners objecting to the proposal about the application.

Thursday, 26th May, 2011 7.30 pm - Executive Scrutiny Committee

5. Consideration of Any Call-Ins of Decisions Made at the Cabinet Meeting on 26 May 2011

- Anthony Little - Personal - Cabinet Agenda Item 10 – Primary Capital Programme – Construction Decisions as a Governor of Pinkwell School.
- Councillor Khursheed - Personal - Cabinet Agenda Item 16 – Voluntary Sector Leasing Policy as a member of one of the Voluntary Sector organisations concerned.

Tuesday, 7th June, 2011 7.00 pm - Central & South Planning Committee

6. Ryefield House, Ryefield Avenue, Hillingdon 11838/APP/2011/553

- Councillor Bridges - Personal - as a Ward Councillor for the area.

Thursday, 9th June, 2011 7.30 pm - Corporate Services and Partnerships Policy Overview Committee

5. Review Topics 2011/12

- Councillor Graham - Personal - as a Member of the Audit Committee.
- Councillor Lewis - Personal - as a Member of the Audit Committee.

Thursday, 16th June, 2011 7.30 pm - Executive Scrutiny Committee

5. Consideration of Any Call-Ins of Decisions Made at the Cabinet Meeting on 16 June 2011

- Councillor Crowe - Personal - Cabinet Agenda Item 7 - Older People's Plan - Progress Update 2010-2011 as a member of his family was a user of Assistive Technology / Telecare.

Monday, 27th June, 2011 5.00 pm - Audit Committee

9. Audit Committee Annual Report to Council

- Councillor George Cooper - Personal - as a contributor to the Local Government Pension Fund.
- Councillor Harmsworth - Personal - as a Member of the Pensions Committee
- Councillor Lewis - Personal - as a Member of the Pensions Committee.

Tuesday, 28th June, 2011 7.00 pm - Central & South Planning Committee

6. 121 Cowley Road, Uxbridge 7008/APP/2010/2758

Councillor Judith Cooper - Personal - A Ward Councillor of the application site.

14. 67 Berrydale Road, Hayes 64145/APP/2011/858

- Councillor Duncan - Personal - A Ward Councillor of the application site.

15. Lock up Garage Site adjacent 91 Pinewood Avenue, Hillingdon 66014/APP/2009/983

- Councillor Gilham - Personal - A Ward Councillor of the application site.
-

Thursday, 7th July, 2011 7.30 pm - Council

9. Motions

- Councillor Douglas Mills - Personal and Prejudicial - Motion from Councillor Riley, as the proposed HS2 route was in close proximity to his property
 - Councillor Jarjussey - Personal - Motion from Councillor Major, as on the CNWL Board
 - Councillor Richard Mills - Personal and Prejudicial - Motion from Councillor Riley, as he had an interest in a property that would be affected by the proposed HS2 route.
-

Wednesday, 13th July, 2011 7.00 pm - Petition Hearing - Cabinet Member for Planning, Transportation and Recycling

6. Petition relating to the draft West London Waste Plan and Policies Public consultation

- Councillor Gilham - Personal - as a Member of the Central and South Planning Committee which may deal with this application in the future.
 - Councillor Burrows - Personal - as Members of his family had signed the petition.
-

Tuesday, 19th July, 2011 7.00 pm - Central & South Planning Committee

6. Airlink house, 18 - 22 Pump Lane, Hayes 5505/APP/2010/2455

- Councillor Sansarpuri - Personal and Prejudicial - As a Ward Councillor of the application site.

8. Car Park Rear of 1 - 16 Sydney Court, Perth Avenue, Hayes 65936/APP/2009/2629

- Councillor Duncan - Personal - as a Ward Councillor of the application site.

9. 47 Swanage Way, Hayes 48600/APP/2011/548

- Councillor Duncan - Personal - As a Ward Councillor of the application site.

10. 298 Kingshill Avenue, Hayes 8195/APP/2011/38

- Councillor Fyfe - Personal - As a Ward Councillor of the application site.

15. 67 Berrydale Road, Hayes 64145/APP/2011/858

- Councillor Duncan - Personal - As a Ward Councillor of the application site.

16. 18 Stipularis Drive, Hayes 31178/APP/2011/263

- Councillor Duncan - Personal - As a Ward Councillor of the application site.

18. Enforcement Report

- Councillor Stead - Personal - As a Ward Councillor of the application site.

19. Enforcement Report

- Councillor Fyfe - Personal - As a Ward Councillor of the application site
-

Wednesday, 20th July, 2011 6.00 pm - External Services Scrutiny Committee

7. Hillingdon LINK: 3rd Progress Report

- Councillor George Cooper - Personal - as a Trustee of Groundwork Thames Valley
 - Councillor Judith Cooper - Personal - husband a Trustee of Groundwork Thames Valley
 - Councillor Kemp - Personal - as a Governor at Central & North West London NHS Foundation Trust (CNWL).
 - Councillor Jarjussey - Personal - as a member of the Shadow Board of The Orchard Medical Practice Community Interest Company and a member of CNWL.
-

Thursday, 21st July, 2011 7.00 pm - Corporate Services and Partnerships Policy Overview Committee

6. First Major Review - Effectiveness of the Audit Committee and its Terms of Reference - Draft Scoping Report

- Councillor Graham - Personal - as a Member of the Audit Committee.
 - Councillor Lewis - Personal - as a Member of the Audit Committee.
-

Monday, 25th July, 2011 5.00 pm - Social Services, Health and Housing Policy Overview Committee

4. Forward Plan - Rural Activities Garden Centre (638)

- Councillor Dominic Gilham - Personal - as Ward Councillor for the area where the RAGC was situated.

Thursday, 28th July, 2011 7.00 pm - Cabinet

5. Hillingdon's response to the Government's consultation on High Speed Rail

- Councillor Douglas Mills - Personal and Prejudicial - due to the vicinity of his property to the proposed HS2 route.
- Councillor George Cooper - Personal - as a member of the Board of the Colne Valley Partnership.

6. Rural Activities Garden Centre - project plan for its modernisation and sustainable future

- Councillor George Cooper - Personal - due to the involvement of Cllr Judith Cooper in the Rural Activities Garden Centre.
- Councillor Judith Cooper - Personal - due her involvement in the Rural Activities Garden Centre

21. Pan-London Energy Scheme: RE:NEW

- Councillor George Cooper - Personal - as a trustee of Groundwork Thames Valley Trust Ltd

Thursday, 11th August, 2011 5.30 pm - Pensions Committee

4. Investment Strategy

- Councillor Simmonds - Personal – as a member of the Local Government Pension Scheme
- Councillor Duncan - Personal - as a member of the Local Government Pension Scheme
- Councillor Harmsworth - Personal - as a member of the Local Government Pension Scheme.

Thursday, 1st September, 2011 7.00 pm - Central & South Planning Committee

11. Unit 1 Cowley Mill Industrial Estate Longbridge Way, Uxbridge 29704/APP/2011/875

- Councillor Cooper - Personal and Prejudicial.

13. Brunel University (Tower C) Kingston Lane, Hillingdon 532/APP/2010/2391

- Councillor Stead - Personal – as a Brunel Ward Councillor.
- Councillor John Hensley - Personal and Prejudicial.

15. 123 Uxbridge Road, Hillingdon 29448/APP/2011/639

- Councillor Bridges - Personal - as a Hillingdon East Ward Councillor.

16. Unit 7A, Hayes Bridge Retail Park Uxbridge Road, Hayes 67475/APP/2011/853

- Councillor Sansarpuri - Personal - as a Townfield Ward Councillor.

19. 7 Cherry Tree Avenue, Yiewsley 63027/APP/2011/1129

- Councillor Gilham - Personal - as a Yiewsley Ward Councillor.

Tuesday, 6th September, 2011 7.00 pm - Central & South Planning Committee

6. 1, 2, 4, 5 & 6 School Approach, Fredora Avenue, Hayes 63421/APP/2011/1035

- Councillor Fyfe - Personal and Prejudicial

7. The Forge, St Stephens Road, Yiewsley 67384/APP/2010/2499

- Councillor Gilham - Personal and Prejudicial

5. 61 Adelphi Crescent, Hayes 60953/APP/2011/1214

- Councillor Fyfe - Personal and Prejudicial

8. 4 Harold Avenue, Hayes 60953/APP/2011/1214

- Councillor Duncan - Personal - As she knew the applicant
- Councillor Sansarpuri - Personal - As he knew the applicant

9. St Georges Meadow, Mill Road, West Drayton 33658/APP/2010/263

- Councillor Duncan - Personal - As she lived adjacent to the site

13. Enforcement Report

- Councillor Gilham - Personal and Prejudicial

Wednesday, 7th September, 2011 7.00 pm - Education & Children's Services Policy Overview Committee

2. Declarations of Interest in all matters coming before this meeting.

- Councillors Benson, Bliss, Curling, Dann, O'Brien and Riley - Personal – as school Governors

Tuesday, 13th September, 2011 7.30 pm - Corporate Services and Partnerships Policy Overview Committee

5. First Major Review - Effectiveness of the Audit Committee and its Terms of Reference - First Witness Session

- Councillor Graham - Personal - as a Member of the Audit Committee.
- Councillor Richard Lewis - Personal - as a Member of the Audit Committee.

Wednesday, 21st September, 2011 6.00 pm - External Services Scrutiny Committee

5. Commission of a Consultant Led Community Ophthalmology Service

- Councillor Jarjussey - Personal - as a service user.

6. Safer Transport

- Councillor Jarjussey - Personal - as a service user.

Thursday, 29th September, 2011 7.30 pm - Executive Scrutiny Committee

5. Consideration of any Call-Ins of Decisions Made at the Cabinet Meeting held on 29 September 2011

- Councillor Lavery - Personal - Agenda Item 11 – Council Budget – Month 4 – 2011/12 Revenue and Capital Monitoring Report of as a Governor of Ruislip High School.

Friday, 30th September, 2011 10.00 am - Licensing Sub Committee (South)

5. Siragro - Street Trading Licence - Shop Front

- Councillor Gardner - Personal - As a Ward Councillor of a neighbouring Ward.

6. Ocean Superstore - Shop Front

- Councillor Gardner - Personal - As a Ward Councillor of a neighbouring Ward.

Tuesday, 11th October, 2011 7.00 pm - Central & South Planning Committee

6. Knights of Hillingdon Florists Uxbridge Road, Hillingdon 15407/APP/2010/2209

- Councillor Bridges - Personal - as a Ward Councillor.

11. Former Hillingdon Irish Centre Royal Lane, Hillingdon 267/APP/2011/1383

- Councillor Gilham - Personal - as a Ward Councillor.

12. Land Fronting Knights Gardens Opposite 943-945 Uxbridge Road, Hillingdon 67975/ADV/2011/60

- Councillor Bridges - Personal - as a Ward Councillor.

15. 18 Frays Avenue West Drayton 67620/APP/2011/877

- Councillor Duncan - Personal and Prejudicial - as a resident of Frays Avenue.

Thursday, 20th October, 2011 7.30 pm - Corporate Services and Partnerships Policy Overview Committee

5. Major Review - Effectiveness of the Audit Committee and its Terms of Reference - Second Witness Session

- Councillor Graham - Personal - as a Member of the Audit Committee
- Councillor Richard Lewis - Personal - as a Member of the Audit Committee.

Wednesday, 26th October, 2011 6.00 pm - External Services Scrutiny Committee

5. Provision of Health Services in the Borough

- Councillor Kemp - Personal - as an appointed governor of CNWL

- Councillor Jarjussey - Personal - as a member of CNWL.

Thursday, 27th October, 2011 7.00 pm - Cabinet

8. Review of the Local List of Buildings of Architectural or Historic Importance

- Councillor Corthorne - Personal - as a parishioner of Church of the Most Sacred Heart

Tuesday, 1st November, 2011 7.00 pm - Central & South Planning Committee

6. Honeycroft Day Centre Honeycroft Hill, Uxbridge 6046/APP/2010/2679

- Councillor Judith Cooper - Personal and Prejudicial

12. Land Rear of 22, 22A and 24 Dickens Avenue, Hillingdon 67783/APP/2011/107

- Councillor Gilham - Personal and Prejudicial – as a Ward Councillor

15. 4 Sedgwick Avenue, Hillingdon 57754/APP/2011/38

- Councillor Bridges - Personal – as a Ward Councillor

17. 33 Silverdale Gardens, Hayes 10680/APP/2011/2338

- Councillor Sansarpuri - Personal – as a Ward Councillor.

18. Land Rear of Montague Passage and Adjacent to 1 and 2 Iffley Close, Uxbridge 67688/APP/2011/685

- Councillor Duncan - Personal

19. Former Cape Boards Site Iver Lane, Cowley 751/APP/2011/272

- Councillor Judith Cooper - Personal – as a Ward Councillor.

Thursday, 3rd November, 2011 7.30 pm - Council

6. Report of the Head of Democratic Services

- Councillors Barnes, Bridges, Corthorne, Curling, Dann, Higgins, Jarjussey, O'Brien and Payne, - Personal - as independently appointed school Governors

8. Article 4 Direction to Control Houses in Multiple Occupation Around Brunel University

- Councillor Routledge – Personal
- Councillor George Cooper - Personal and Prejudicial
- Councillor Judith Cooper - Personal and Prejudicial
- Councillor Fyfe - Personal and Prejudicial
- Councillor Curling - Personal and Prejudicial
- Councillor Kemp - Personal and Prejudicial

9. Governance Arrangements for the Pension Fund

- Councillors Baker, George Cooper, Judith Cooper, Corthorne, Crowe, Curling, Dann, Duncan, Gilham, Harmsworth, Harper-O'Neil, Hensley, Higgins, Khursheed, Lavery, Lewis, Nelson, O'Brien, Payne, Puddifoot, Retter, Sansarpuri, Seaman-Digby, Simmonds and White - Personal - as members of the local government pension scheme

Thursday, 10th November, 2011 5.30 pm - Corporate Services and Partnerships Policy Overview Committee

5. Major Review - Effectiveness of the Audit Committee and its Terms of Reference - Second Witness Session

- Councillor Graham - Personal - as a Member of the Audit Committee.
- Councillor Richard Lewis - Personal - as a Member of the Audit Committee.

Tuesday, 22nd November, 2011 7.00 pm - Central & South Planning Committee

17. 9 Lodge Close, Cowley 61365/APP/2011/2084

- Councillor Judith Cooper - Personal – as a ward Councillor

15. Brunel University, Kingston Lane, Hillingdon 532/APP/2011/1744

- Councillor Stead - Personal – as a ward Councillor

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- Councillor Hensley - Personal and Prejudicial - As an adviser and ex don
- Councillor Curling - Personal and Prejudicial - Employee of the University

Wednesday, 23rd November, 2011 5.00 pm - Re-Offending Working Group

6. Work Programme

- Councillor Allen - Personal - as her son worked for Reed.

Thursday, 24th November, 2011 7.00 pm - Cabinet

6. Update on the Government's consultation on High Speed Rail

- Councillor Douglas Mills - Personal and Prejudicial - as a local resident affected by the proposed HS2 route.
- Councillor George Cooper - Personal - as a Member of the Colne Valley Partnership affected by the proposed HS2 route.

12. Council Budget - Month 6 2011/12 Revenue and Capital Monitoring Report

- Councillor Douglas Mills - Personal - due to a family interest in the Willow Tree Centre.

Thursday, 8th December, 2011 5.00 pm - Audit Committee

6. Internal Audit Progress Report

- Councillor George Cooper - Personal - as his wife was a Governor of the Hillingdon Virtual School.

Thursday, 15th December, 2011 7.00 pm - Cabinet

7. Financial Support to Voluntary Organisations

- Councillor Scott Seaman-Digby - Personal and Prejudicial - as a trustee of the Hillingdon Aids Response Trust.

Monday, 19th December, 2011 6.00 pm - Corporate Services and Partnerships Policy Overview Committee

5. Major Review - Effectiveness of the Audit Committee and its Terms of Reference - Consideration of draft final report

- Councillor Graham - Personal - as a Member of the Audit Committee.

Councillor Richard Lewis - Personal - as a Member of the Audit Committee.

8. Ombudsman complaints received/settled

Date Received	Nature of Complaint	Outcome/Status/Date Settled
10.01.11 Social Services / Housing	failed to provide adequate assistance to obtain accommodation as a care leaver. He alleges that his Personal Adviser promised him that if he moved out of his accommodation temporarily, at the end of that period he would either be rehoused or provided with a referral letter to enable him to access Council accommodation in Ealing, and did not tell him he would still be liable for rent during his temporary move.	Decision Letter dated 11.05.11, Local Settlement: Council agree to reduce the outstanding debt and considering the complainants housing application and entitlements under the leaving care policy
20.01.11 Housing	delayed unreasonably in addressing and responding to the complainant with regard to the issue of who is responsible for the boundary fence between 13/15 Milton Way.	Decision Letter dated 17.03.11, Local settlement: £400 compensation for frustration and uncertainty caused to the complainant during the 2 years he waited for the Council to properly address matters.

Date Received	Nature of Complaint	Outcome/Status/Date Settled
18.01.11 Education	the child is out of school because of fears for his safety at the placement named on his statement, yet the Council has made little or no alternative provision for him and has failed to ensure that he receives his full educational entitlement.	Decision Letter dated 21.03.11, Local Settlement: - organise an interim review of the child's statement; - collaborate with the child's school and together organise alternative provision for him that fulfils the requirements of his statement and any relevant statutory educational entitlement as a matter of urgency.
17.02.11 Social Services	failed to ensure husband was receiving appropriate care while at Parkfield House Nursing Home, Uxbridge	Decision letter dated 23.12.12. £750 compensation payment (£500 for anxiety and £250 for time & trouble).
02.03.11 Council Tax	complains that the Council is unreasonably pursuing him in order to recover an overpayment of Housing Benefit and Council Tax Benefit in respect of his claim when he lived in Hillingdon.	Decision Letter dated 04.04.11, Local Settlement: did not find fault with the Council for pursuing recovery, although there may be grounds to questions whether its recent actions were reasonable. Council agreed to review matters and decided to write off the debt.
11.04.11 Social Services	Social workers took too long in completing assessment for residential care, would not explain the criteria, or put in writing that they did not met the criteria, that there was no consultation with doctors or health professional. The complainants were discouraged from placing Mr & Mrs B in a home that they had seen until an assessment had been approved by the Council. This led to additional unnecessary delay, and was a contributory factor to Mr B's heart attack.	Decision Letter dated 13.06.11, The first social worker's communication with Mrs M was inadequate. The LGO considered the Council's apology to be adequate redress for the distress caused. Although the Council's own timescales for initiating and completing assessments were breached, the LGO did not consider that there was unreasonable delay in the particular circumstances of this case. In the absence of any evidence of maladministration, there were no grounds for the LGO to pursue the investigation of this complaint.
14.04.11 Social Services	that the Council has failed to deal properly with the concerns about the care provided for their son at Charles Curran House.	Decision Letter dated 18.01.12. The Council failed to complete the assessment of the complainants son until July 2010. The Council did not ensure that all the staff at the care home provided the son with the appropriate level of care. Remedy: Write acknowledging its failings and apologising for them; and, Pay their son £500 in recognition of the significant delay in the assessment.
14.04.11 Housing	complaining about the way the Council has dealt with her daughter approaches for assistance with housing since she was given notice to leave her former private rented accommodation last year	Decision letter dated 30.06.11, No evidence to conclude there has been fault by the Council which has caused a significant injustice to the complainant. The investigation was discontinued.

Date Received	Nature of Complaint	Outcome/Status/Date Settled
18.04.11 Education	that the Council has failed to provide a school place since November 2010 for her son, Charlie, who is a year 9 pupil.	Injustice remedied. Council agreed to review Fair Access procedures, and seek ways to provide speedier responses from schools, the council will develop a policy on suitable interim education for pupils without a school place, look into improving the school in-year form, and agree to pay compensation to Miss Spender: £1,500 which she can use for tuition for her son
12.05.11 Housing	that the Council has not acted in accordance with its allocations policy in awarding them priority for rehousing; it has not responded to the complaints that were made about this in November 2010	Final Decision sent on 10.06.11, The Council confirmed that that the complainant's are entitled to Band B priority and a banding upgrade had been carried out, the band date had been set at 10 February 2009; the date the complainant's told the Council of their wish to downsize. Apology provided by the Council.
14.06.11 Planning	that the Council has failed to take enforcement action in relation to an outbuilding erected by the complainant's neighbour. The Council has also failed to follow up on the issue of faulty guttering at the neighbour's property. The Council told the complainant that Building Control were aware of the problem but it has taken no action.	Decision letter dated 13.09.11, Complaint discontinued, no fault.
16.06.11 Housing	Complaining about the eviction of complainant from her two bedroom Council flat	Decision letter dated 11.08.11, The Council had agreed to re-offer 6 months accommodation to the complainant so that she will be in the position she would have been in when this offer was originally made. Investigation has been discontinued.
17.06. 11 Social Services	Complaint regarding Direct Payments in relation to using for domestic cleaning	Decision letter dated 01.12.11, investigation discontinued. The Council agreed to clear the £1,440 debt and pay £150 compensation for time&trouble. The Council also agreed to properly complete the complainants care plans and ensure all services are explained and set out to her.
07.07.11 Housing/ Planning/ ASB	Various complaints regarding planning, housing, anti-social behaviour	Decision letter dated 27.09.11, Complaint discontinued. Agreed with Council's stage 3 reports. Apologies for admin errors already offered in Council's complaints process.
08.07.11 Education	that there was administrative fault in the way the Independent Appeal Panel considered the complainant's appeal against the Council's decision to refuse to admit her daughter to Ruislip High School.	Decision letter dated 08.09.11, Discontinued investigation because the Council was willing to remedy the injustice with an apology letter.

Date Received	Nature of Complaint	Outcome/Status/Date Settled
19.07.11 Education	complaining about the Council's failure to offer her son a place in the Reception year at Cranford Park Primary School for September 2011. That the Council's and the panel's decisions are unreasonable in view of her family's circumstances, her daughters' attendance at Cranford Park, and the long distance to the alternative school that has been offered.	Decision letter dated 30.08.11 no fault & complaint discontinued.
25.07.11 Education	The Council has failed to ensure that her son is offered a school place, or other full time suitable education within the terms of the Education Act 1996, Section 19. Sam has been without educational provision since 1 December 2010.	Draft Report sent in on 19.01.12 for comments by 08.02.12 (failure to provide education for a year). Awaiting final decision
25.07.11 Housing	that the Council failed to take action to resolve leaks entering the complainant's home, from the property above. The leaks have been ongoing since 2008 and have caused substantial damage to the complainant's kitchen and bathroom. The complainant's says that the Council should undertake works to repair the damaged caused by the leaks.	Decision letter dated 02.08.11, Complaint discontinued as Council was already willing to carry out repairs that complainant required.
26.07.11 Education	School admission arrangements in his respect of her daughter, she felt that the proceedings were not objective or fair	Decision letter dated 04.08.11, no fault and complaint investigation discontinued.
28.07.11 Housing / Finance	There was an unreasonable delay by the Council before it completed the sale of a property to the complainant under the right to buy legislation. The complainant is also aggrieved about errors made by the Council during the process.	Decision letter dated 17.08.11 not to pursue as the Council had taken reasonable steps to address the effects of the delay and had offered compensation
28.07.11 Education	The Council will not provide social care services for her son who is autistic and has significant learning disabilities. He is now 18 years old and moving into adult life. Complainant was concerned she will find it increasingly difficult to care for him without support.	Decision letter dated 12.10.11, Investigation discontinued. LGO is satisfied that the Council is taking a satisfactory and reasonable approach to planning for the complainants son's future needs.
16.08.11 ASB	that the Council delayed unreasonably for two years in properly addressing noise nuisance complaints submitted by the complainant about students living next door to her. She was only visited twice despite first complaining in 2009 and promises to install noise monitoring equipment never materialised. There has been no response to the 14 on-line complaints submitted since March 2011.	Decision letter dated 02.12.11. Compensation of £300 is rec. And joint mtg as proposed in Stage 3 and installation of noise equip if appropriate.

Date Received	Nature of Complaint	Outcome/Status/Date Settled
16.08.11 Adult Social Care	complaint regarding social care assessments, complaint handling, information by social care direct of poor standard	Decision letter dated 17.10.11. Complaint discontinued. No fault.
22.08.11 Social Services	When complainant was discharged from hospital, the Council failed to deal with the financial assessment properly, or explain funding issues to them adequately. As a result, they were unaware of the charges that would be payable.	Awaiting Decision
15.09.11 Social Services	That carers attend his home without displaying their ID badges; and that carers refuse to provide their full name when asked.	Decision letter dated 14.11.11, Investigation discontinued. Investigator satisfied the Council have properly responded to this complaint prior to the LGO's involvement.
19.09.11 Planning	that the Council are at fault regarding its decision to grant approval to application 40169/APP/2011/243. The Council did not undertake adequate consultation and did not take into consideration the views that were expressed by local residents. Also that the Council have not acted upon his request that planning permission for the application be revoked or his suggestions for modifications to the traffic arrangements.	Decision letter dated 21.12.11, No fault, complaint discontinued.
10.10.11 Social Services	that the Council has not supported the complainant appropriately as a care leaver	Decision letter dated 14.12.11, no fault, investigation discontinued.
18.10.11 Housing Benefit	That the Council made assurances/promises that deposit and rent would be paid at one of the complainants properties and the Council has reneged on these promises. There are arrears of rent because of breaks in the tenant's housing benefit claim. The Council should pay the monies owed – approximately £8000 at present.	Decision letter dated 12.12.11, investigation discontinued as Council agree to apologise for not replying to correspondence. No other fault.
27.10.11 Social Services	that the Council unfairly withdrew 5 hours from the complainant's direct payments because he was not using these hours appropriately. Mr Halford says that the Council did not explain to him that these hours were allocated for outreach services.	Provisional View sent 13.01.12 - administrative fault Council for withdrawing hours. Council agreed to re-assessment. Awaiting final decision from the LGO before action.
08.11. 11 Education	there was administrative fault in the way in which the Council considered the complainant's application for the admission of her daughter to secondary schools in its area in May 2011, and in its failure to signpost her to an Admissions Appeal Panel in order to appeal against the Council's refusal.	Awaiting Decision

Date Received	Nature of Complaint	Outcome/Status/Date Settled
17.11.11 Education	Council refusing to provide Home to School Travel to her son.	Awaiting Decision

Local authorities: by type of authority

LGO complaint decisions in 2010/11

not included: decisions on adult social care complaints since 1/10/10 (figures not available)

Authority	Total complaints determined (excluding premature complaints)		Maladministration and injustice reports		Local settlements		Maladministration reports		No maladministration reports		No maladministration without report		Ombudsman's discretion		Outside jurisdiction	
	2010/11	2009/10	2010/11	2009/10	2010/11	2009/10	2010/11	2009/10	2010/11	2009/10	2010/11	2009/10	2010/11	2009/10	2010/11	2009/10
London boroughs (and the Greater London Authority)																
Barking & Dagenham LB	76	71	0	0	30	23	0	0	0	0	19	19	16	22	11	7
Barnet LB	93	76	1	0	23	17	0	0	0	0	32	26	18	22	19	11
Bexley LB	27	25	0	0	4	5	0	0	0	0	8	9	6	3	9	8
Brent LB	72	77	0	0	4	7	0	0	0	0	26	33	29	23	13	14
Bromley LB	61	58	0	0	19	17	0	0	0	0	27	25	6	4	9	12
Camden LB	145	109	1	0	38	49	0	0	0	0	37	23	36	22	33	15
City of London Corporation	9	7	0	0	1	1	0	0	0	0	5	1	0	5	3	0
Croydon LB	79	96	0	2 *	21	23	0	0	0	0	30	37	14	18	14	16
Ealing LB	129	107	0	3	36	25	0	0	0	0	42	31	27	25	24	23
Enfield LB	72	60	0	0	13	11	0	1	0	0	29	23	17	12	13	13
Greater London Authority	1	3	0	0	0	0	0	0	0	0	0	0	1	0	0	3
Greenwich LB	74	64	0	0	15	15	0	0	0	0	38	21	10	15	11	13
Hackney LB	107	104	0	0	39	35	0	0	0	0	23	20	20	30	25	19
Hammersmith & Fulham LB	97	62	0	1	31	14	0	0	0	0	31	25	20	13	15	9
Haringey LB	123	88	0	0	35	39	0	0	0	0	39	20	31	18	18	11
Harrow LB	66	52	0	0	13	12	0	0	0	0	25	24	13	6	15	10
Havering LB	40	59	0	1	8	21	0	0	0	1	12	10	13	16	7	10
Hillingdon LB	45	35	0	0	12	5	0	0	0	0	11	14	17	12	5	4
Hounslow LB	78	86	0	1	20	29	0	0	0	0	23	26	20	14	15	16
Islington LB	104	80	0	0	33	23	0	0	0	0	35	26	23	11	13	20
Kensington & Chelsea RB	52	41	0	0	10	10	0	0	0	0	21	15	11	11	10	5
Kingston upon Thames RB	18	28	0	0	5	7	0	0	0	0	5	8	2	9	6	4
Lambeth LB	211	200	0	3	73	74	0	0	0	0	55	61	33	27	50	35
Lewisham LB	89	94	0	1	20	21	0	0	0	0	35	31	15	22	19	19
Merton LB	35	33	1	0	7	3	0	0	0	0	11	15	6	10	10	5
Newham LB	112	101	1	1	48	36	0	0	0	0	27	24	13	18	23	22
Redbridge LB	85	50	2	1	22	9	0	0	0	0	31	16	20	14	10	10
Richmond upon Thames LB	51	28	1	0	11	4	0	0	0	0	24	18	8	4	7	2
Southwark LB	195	142	0	0	67	76	0	0	0	0	63	28	31	15	34	23
Sutton LB	41	22	0	0	4	2	0	0	0	0	17	10	14	7	6	3
Tower Hamlets LB	66	98	0	1	12	18	0	0	0	0	27	40	14	16	13	23
Waltham Forest LB	102	82	0	1	25	23	0	0	0	0	37	21	29	28	11	9
Wandsworth LB	59	57	0	0	10	18	0	0	0	0	30	20	4	9	15	10
Westminster City C	102	84	0	0	32	23	0	0	0	0	27	19	27	21	16	21

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THE LOCALISM ACT 2011 - A NEW ETHICAL FRAMEWORK

Reporting Officers: Raj Alagh, Borough Secretary and Monitoring Officer and Lloyd White, Head of Democratic Services

SUMMARY

1. The Localism Act 2011 ["the Act"] makes a number of significant changes to the ethical framework for Members and co-opted members of local authorities as it appeared in the Local Government Act 2000.
2. This report summarises these changes and sets out the steps which the Council has already taken, and which it still needs to take, in order to comply with the requirements of the Act.

RECOMMENDATIONS: That:

1. **the report be noted.**
2. **the Committee give its comments on the draft new code of conduct for Members and co-opted members (Appendix 1).**
3. **the Committee give its views on whether the Council should continue to have a Standards Committee and three Sub-Committees set up under it, once the Act comes into force.**
4. **the changes made to the law on predetermination by the Act and the consequent amendment which needs to be made to the Council's Planning Code of Conduct be noted.**
5. **a further report from the Borough Solicitor and the Head of Democratic Services be submitted to the next meeting which will ask the Committee to make a number of recommendations to full Council which will give full effect to the changes made to the ethical framework for Members and co-opted members by the Act.**

BACKGROUND INFORMATION

3. The Act received Royal Assent on 15 November 2011. Chapter 7 prescribes a new ethical framework for Members and co-opted members of local authorities. A co-opted member is defined to include an individual who is not a member of the authority but who is a member of any committee or sub-committee of the authority and is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

Duty to promote and maintain high standards of conduct

4. Section 27 of the Act requires the Council to promote and maintain high standards of conduct by its Members and co-opted members and in discharging this duty, it must adopt a code of conduct.

5. The Act is much less prescriptive than the 2000 legislation in terms of what such a code must contain and this is exemplified by the fact that it has dispensed with the requirement that the Council must adopt a model code.
6. However, Section 28 of the Act requires that any code which is adopted by the Council has to be consistent with the following seven principles [commonly known as the Nolan principles of standards in public life]:
 - selflessness;
 - integrity;
 - objectivity;
 - accountability;
 - openness;
 - honesty;
 - leadership.
7. Furthermore, a code has to provide for what the Council considers appropriate in respect of the registration in its register and disclosure of both pecuniary and non-pecuniary interests.
8. The Act requires the Council to either revise its existing code of conduct or to adopt a replacement code. Members of the Committee will recall that they agreed at a previous meeting that a Working Group be set up to consider a new code for the Council's Members and co-opted members and a draft code produced by this Group is attached at Appendix 1. The views of the Members of the Committee are sought in relation to the draft code in light of the Act and their attention is drawn to the changes made in relation to interests [see paragraphs 24-26 below] which have not been incorporated in the draft for the reasons explained in paragraph 26.
9. The draft code is largely based on the existing code but the following amendments have been made to it:
 - The ten general principles of public life which underpin the current code are set out at the beginning of the code and the intention is that they should now form part of the code itself (paragraph 1(2));
 - The code will apply to Members and co-opted members in their personal lives where the conduct results not only in a criminal conviction but also where it results in a police caution being administered to them (paragraph 2(2)(ii));
 - In paragraph 3(2)(b), the code is more specific about the general obligation imposed on Members and co-opted members by adding the words, '*including any officer of the Council*' at the end of the paragraph.
 - In paragraph 4(a), the code is more specific about the general obligation imposed on Members and co-opted members by adding the words, '*including Part II information as defined in the Local Government (Access to Information) Act 1985*' at the end of the paragraph.
 - The inclusion of a new appendix – the Whips Protocol – to formalise the process whereby the initial referral of complaints against Members to the appropriate whips office becomes established procedure.

Standards Committee

10. The Act repeals section 53 of the Local Government Act 2000 which makes it mandatory for a local authority to have a Standards Committee. Therefore, there will be no compulsion on the Council to have such a Committee in place. However, there will still be a need to have a mechanism to deal with complaints that the code has been breached. For example, the Act requires the Council to have in place arrangements under which firstly, complaints can be investigated and secondly, decisions on complaints can be made; however, no details of these arrangements are provided in the Act. Furthermore, the Council will still need to promote and monitor high standards of conduct and help Members and co-opted members comply with the code of conduct; these functions fall within the remit of its current Standards Committee. Therefore, the views of Members of the Committee are sought as to whether this Committee and the three Sub-Committees set up under it should continue. In particular, views as to whether the Review Sub-Committee should remain in place would be welcome (previously the Committee have indicated that the Review Sub-Committee should be discontinued).

Breaches of the Code and Sanctions

11. If the Council finds that one of its Members or co-opted members fails to comply with its new code of conduct, it may have regard to that failure in deciding firstly, whether to take action in relation to the Member or co-opted member and secondly, what action to take.
12. The Act does not prescribe, save for one exception (see paragraph 37 below), what sanctions the Council may impose in the event that a finding is made that one of its Members or co-opted members has contravened the provisions of the Code. However, it does envisage that some action can be taken against them.
13. Contrast this with the position under the Local Government Act 2000 where a range of sanctions that were available to local authorities was expressly provided for. Examples of these sanctions are suspension of Members or co-opted members for a period up to six months and restriction of their access to Council premises for a period up to six months.
14. Therefore, the Association of Council Secretaries and Solicitors (the professional association representing Monitoring Officers in England and Wales) commissioned an opinion from a QC, specialising in local government law, requesting advice in relation to what possible sanctions may be imposed by local authorities under the Act. A copy of the QC's advice has been made available to the Borough Solicitor and it can be summarised as follows.
15. The QC advises that, as the Act is silent on the measures that can be taken against a Member or co-opted member who breaches the code, it is necessary to examine common law principles. The theme which emerges from established case law is that the common law does not afford local authorities the ability to issue sanctions that interfere with local democracy.
16. It follows that it will not be open to the Council to suspend or disqualify one of its Members. Nor will there be a power to exclude Members from meetings as a

disciplinary sanction. Members are democratically elected to serve in that role, and there would be a very strong presumption that only statute can confer a power to interfere with the will of the local electorate by removing them from their role or interfering generally with the performance of their duties.

17. As for the imposition of other sanctions, the QC's general view is that the range of measures available to local authorities is very limited. He advises that it is possible for authorities to impose the following sanctions in accordance with common law principles:
- Send the Member a formal letter;
 - The authority, or a committee of the authority, can issue a formal censure to a Member through a motion;
 - Issue a press release or otherwise publicise a decision that a Member has breached the authority's code of conduct;
 - Remove a Member from a committee of an authority provided that this decision is made by the Council itself following agreement from the relevant party group, and not by a committee of the authority.

Independent Members

18. The Council's current Standards Committee has three independent, co-opted members appointed to it which include the Chairman and Vice-Chairman. Under the Act, the appointments of these independent members will come to an end.
19. The Act envisages a new role for an independent person which is set out in section 28[7] which states that there must be provision for the appointment by an authority of at least one independent person-
- a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and
 - b) whose views may be sought-
 - (i) by the authority in relation to an allegation in circumstances not within paragraph [a],
 - (ii) by a Member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation, and
 - (iii) by a Member, or co-opted member, of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority.
20. The definition of an independent person is set out in section 28[8] which makes it clear that a person is not independent if the person is-
- a) a Member, co-opted member or officer of the authority,
 - b) a Member, co-opted member or officer of a parish council of which the authority is the principal authority, or
 - c) a relative, or close friend, of a person within paragraphs (a) and (b) above.
21. Section 28[8] also makes it clear that a person may not be appointed as an independent person if at any time during the previous 5 years the person was a Member, co-opted member or officer of the authority.

22. A person may not be appointed as an independent person unless-
 - a) the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,
 - b) the person has submitted an application to fill the vacancy to the authority,
 - c) the person's appointment has been approved by a majority of the Members of the authority.
23. All three of the Council's current independent members fall within the definition of a co-opted member i.e. they are members of a Council committee, the Standards Committee, and they are entitled to vote on any question that falls to be decided at a meeting of this committee.
24. Although the wording in section 28(8) is clear, the QC's advice was also sought in relation to independent members and his clear view is that the current independent members of an authority will have to wait a further 5 years before they can reapply to become independent members.

Disclosable Pecuniary Interests and the Register of Members' Interests

25. The Act abolishes the concepts of personal and prejudicial interests and is replaced by pecuniary and non-pecuniary interests instead. A Member or co-opted member of the Council will be required to register a Disclosable Pecuniary Interest [DPI] in a register of interests which the Monitoring Officer must maintain within 28 days of becoming a Member or co-opted member. The Monitoring Officer must also register any other interests which are notified to him.
26. DPIS are to be defined in regulations which have yet to be issued. It is anticipated that their definition will be in line with personal and prejudicial interests and will therefore include not only a Member's own interests but also those of his spouse or civil partner, or someone living with the Member in a similar capacity.
27. This means that in practice it has not been possible to define DPI's in the draft new code produced by the working group [Appendix 1] and the reference to personal and prejudicial interests has therefore remained. The draft code will need to be re-examined once the Government issues the regulations referred to in the above paragraph.

Disclosure of Interests and Withdrawal from meetings

28. As set out above, DPIS are likely to be broadly equivalent to personal and prejudicial interests but there are some important differences. The current duty to disclose an interest and withdraw arises whenever a Member or co-opted member attends a meeting of full Council, Cabinet, a committee or sub-committee and is aware that he/she has a personal and prejudicial interest in any matter being considered at the meeting. In such a situation, the Member or co-opted member must declare the nature and existence of the interest at the meeting. However, a change to the current requirements is that the Member does not need to make such a declaration in circumstances where he/she has already registered the DPI.

29. If the DPI is not registered or is not the subject of a pending notification, the Member or co-opted member must notify the Monitoring Officer of the DPI within 28 days of the declaration.
30. Where a Member or co-opted member has declared a DPI in relation to any matter, they may not participate in any discussion of the matter at the meeting and they must also not vote on the matter. The same principles apply to single Members acting alone i.e. Cabinet Member decision making. In these circumstances, the Cabinet Member must not take any further steps in relation to the matter.
31. The Council's Standing Orders can be amended to set out the circumstances in which a Member or co-opted member should withdraw from a meeting while any discussion or vote takes place.
32. It is important to note that where a Member or co-opted member fails to register or declare a non-pecuniary interest, this will amount to a breach of the code of conduct and it will not constitute a criminal offence. Contrast the position with a DPI (see paragraph 38 below).

Sensitive Interests

33. The Act repeats the existing provisions on Sensitive Interests such that where a Member or co-opted member is concerned that the disclosure of the details of the interest (which could be both a DPI and a non-pecuniary interest) would lead to them, or someone connected to them, being subject to violence or intimidation, they may request the Monitoring Officer to agree that it is a "sensitive interest".
34. If the Monitoring Officer agrees, the Member or co-opted member only has to disclose the existence of an interest, rather than the detail of it, at a meeting and the Monitoring Officer can also exclude the details of the interest from the published version of the register of interests.

Dispensations

35. Currently, a Member or co-opted member who has a prejudicial interest in a matter may apply to the Standards Committee for a dispensation under two specified grounds.
36. Under changes made by the Act, the Council will be able to grant a dispensation for Members or co-opted members to be able to participate in or vote at meetings where they have a DPI, on receipt of a written request. A dispensation can be granted in the following circumstances:
 - a) That so many Members and co-opted members of the decision making body have DPIs in a matter that it would 'impede the transaction of the business'. In practice, this means that the decision making body would be inquorate.
 - b) Without a dispensation, the political balance of the decision making body would be so upset as to alter the likely outcome of any vote on the matter.
 - c) The authority considers that granting the dispensation is in the interests of persons living in the authority's area.

- d) Without a dispensation, no member of the Cabinet would be able to participate in any particular business of the Cabinet.
37. Any dispensation which is granted must specify how long it lasts for but the maximum period must not exceed 4 years. The Standards Committee should continue to have responsibility for granting dispensations.

Offences

38. Under the existing code of conduct, if a Member fails to declare a personal or prejudicial interest, this constitutes a breach of the code. The Act has fundamentally changed this and provides for criminal sanctions in the Magistrates Court - a fine not exceeding level 5 on the standard scale - where a Member or co-opted member fails to register or declare DPI's or takes part in Council business at meetings or when acting alone when prevented from doing so. Furthermore, the Court considering whether an offence has been committed under this section may 'disqualify the person, for a period not exceeding five years, for being or becoming [by election or otherwise] a Member or co-opted member of the authority in question or any other authority'.
39. The prosecution must be brought by or on behalf of the Director of Public Prosecutions, and must be brought within 12 months of the DPP having the evidence to warrant prosecution and within three years of the offence being committed.

Predetermination and the Planning Code of Conduct

40. Section 25 of the Act has made changes to the law on predetermination although the common law rules on bias remain as they are. Although the changes apply to all decision making by Members, nevertheless they principally apply to the areas of planning and licensing. The Monitoring Officer has sent a Briefing Note to all members of the Council in relation to section 25 which will be reproduced in the Planning Code of Conduct.

Transitional Provisions

41. It is anticipated that Standards for England will be abolished by 31 March 2012 and there will be no requirement to have a Standards Committee with effect from July 2012, although the exact date has not yet been confirmed.
42. Transitional and savings provisions in the Act have the effect that any cases under investigation by Standards for England on 31 January 2012 are sent back to be dealt with by the Standards Committee of the authority of which the person under investigation is a Member or co-opted member. Only existing cases pending before the First Tier Tribunal are to be completed.
43. The right to appeal to the First Tier Tribunal will be removed. Therefore, only decisions made by local authorities in relation to breaches of a code of conduct will most likely be challenged by bringing proceedings for judicial review in the High Court.

CONSULTATION CARRIED OUT OR REQUIRED

44. The Act does not require local authorities to undertake any form of consultation prior to implementing its requirements.

Financial Implications

45. There are no specific financial implications arising from this report. However, the adoption of a Whips Protocol will hopefully assist in resolving complaints without having to resort to expensive, independent investigations.

Legal Implications

46. The legal implications are contained in the body of the report.

BACKGROUND PAPERS: None.

MEMBERS' CODE OF CONDUCT

ADOPTED PURSUANT TO A RESOLUTION OF THE COUNCIL AT A MEETING ON

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Part 1

General Provisions Introduction and Interpretation

1. (1) This Code applies to you as a Member of the London Borough of Hillingdon ("the authority").
- (2) The Ten General Principles of Public Life are an integral part of the Code and should be read in conjunction with the general obligations set out in Paragraphs 3-7 below. The Principles can be summarised as follows:

Selflessness

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

Honesty and Integrity

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

Objectivity

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

Accountability

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

Openness

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

Personal Judgement

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

Respect for Others

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

Duty to Uphold the law

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

Stewardship

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

Leadership

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

- (3) It is your responsibility to comply with the provisions of the 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) You must have regard to the Protocol for handling complaints made by Hillingdon Members against fellow Members which is attached as Appendix A.

Scope

- 2. (1) You must comply with this Code whenever you –
 - (a) conduct the business of your authority which includes the business of the office to which you are elected or appointed;
 - (b) act, claim to act or give the impression that you are acting as a representative of your authority.
- (2) The Code will also apply in your personal life in circumstances where paragraphs 3(2)(c), 5 and 6(a) have effect provided that the conduct either:
 - (i) constitutes a criminal offence for which you have been convicted which includes an offence you committed before the date you took office, but for which you are convicted after that date; or
 - (ii) has resulted in a police caution being administered to you. This means that if you have broken the law, you have been officially warned that you will be punished if you do it again.
- (3) Where you act as a representative of your authority 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 provisions of the Equality Act 2010;
 - (b) bully or intimidate any person, including any officer of the Council;
 - (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 –
 - (a) disclose information given to you in confidence (including Part II information as defined in the Local Government (Access to Information) Act 1985) by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 6. You –
 - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority –
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –
 - (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either—
- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
 - (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 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.

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

- 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.

Proposed new Code

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By virtue of paragraph(s) 7c of Part 1 of Schedule 12A
of the Local Government (Access to Information) Act 1985 as amended.

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