

TO: COUNCIL  
26 FEBRUARY 2014

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**AMENDMENTS TO THE CODE OF CONDUCT FOR MEMBERS  
Director of Corporate Services – Legal**

**1 INTRODUCTION**

- 1.1 This report seeks the endorsement of Council to recommendations of the Government and Audit Committee to:-
- (a) the list of "Affected Persons" in the Code of Conduct for Members being extended to include any company which a Member (or a member of his/her immediate family) is a Director of or any Limited Liability Partnership in which a Member (or a member of his/her immediate family) is a partner, and
  - (b) a company directorship/membership of a Limited Liability Partnership of a Member or his/her spouse or partner being made registrable under the Code of Conduct for Members.
- 1.2 The report further proposes that siblings of a Member or their spouse or partner, companies which such a sibling is a Director of or a Limited Liability Partnership in which such a sibling is a partner should be included in the list of Affected Persons in the Code of Conduct for Members.

**2 RECOMMENDATION**

- 2.1 **That the list of "Affected Persons" in the Code of Conduct for Members be extended to include:-**
- (a) **a company which a Member, his/her spouse, partner, parent, grandparent, child or grandchild is a Director of**
  - (b) **a company which a sibling of a Member or of his/her spouse or partner is a Director of**
  - (c) **a Limited Liability Partnership in which a Member his/her spouse, partner, parent, grandparent, child or grandchild is a Partner, and**
  - (d) **a Limited Liability Partnership in which a sibling of a Member or his/her spouse or partner is a Partner**
  - (e) **a sibling of a Member or his/her spouse or partner**
- 2.2 **That the Code of Conduct for Members be amended to require registration (in the register of Member's interests) of any directorship held by a Member, his/her spouse or partner and any membership of a Limited Liability Partnership by a Member, his/her spouse or partner.**

### **3 REASONS FOR RECOMMENDATION**

- 3.1 It would be inappropriate for a Member to be involved in decision making in a matter which affected (to a greater extent than other residents):-
- (a) a company which they or a member of their immediate family are a Director of
  - (b) a Limited Liability Partnership which they or a member of their immediate family is a partner in, or
  - (c) a sibling of the Member or their spouse or partner
- 3.2 It is considered appropriate that registration of directorships held by Members and any memberships of Limited Liability Partnerships is appropriate.

### **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Not to agree the recommendations. However, not amending the Code could lead to a Member's involvement in decision making when such involvement would be inappropriate.

### **5 SUPPORTING INFORMATION**

- 5.1 The recently approved Code of Conduct for Members includes provisions relating to Members having an "Affected Interest". The rationale for those provisions is to preclude Member involvement in decision making when the decision affects (to a greater extent than other Ward residents) a person or business closely connected to the Member **and** it could reasonably be thought that the interest is so significant that it would be likely to prejudice the Member's judgment of the public interest.
- 5.2 The term "Affected Interest" is defined by reference to a list of "Affected Persons" set out in the Code. At its meeting on 30 October 2013 the Standards Committee recommended to Governance and Audit Committee that the Code of Conduct be amended as set out in paragraphs 2.1(a) and (c) and 2.2 of this report. The Governance and Audit Committee endorsed those recommendations at its meeting on 28 January 2014. Although the Governance and Audit Committee did not in its recommendation to Council formally include paragraphs 2.1(b), (d) and (e) of the recommendations in this report (the issue of siblings was not referred to in the recommendation to that Committee by the Standards Committee) the issue of siblings was raised at the Governance and Audit Committee and the clear consensus of the meeting was that siblings should be regarded as being "Affected Persons".

### **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

#### Borough Solicitor

- 6.1 The Borough Solicitor is the author of this report.

#### Borough Treasurer

- 6.2 There are no financial implications directly arising.

Equalities Impact Assessment

6.3 Not required.

Strategic Risk Management Issues

6.4 Not required.

Other Officers

6.5 None.

**7 CONSULTATION**

Principal Groups Consulted

7.1 The Governance and Audit Committee and the Standards Committee.

Method of Consultation

7.2 Reports to meetings.

Representations Received

7.3 As described in Section 5 of this report.

Background Papers

File of Borough Solicitor

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