




## COMPLAINT FORM : CODE OF CONDUCT FOR MEMBERS

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### A. Your details

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1. Please provide us with your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

<b>Title:</b>	Councillor
<b>First name:</b>	Michael
<b>Last name:</b>	Newman
<b>Address:</b>	
<b>Contact telephone:</b>	
<b>Email address:</b>	
<b>Signature:</b>	
<b>Date of complaint:</b>	24 April 2013

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people may see this form:

- Monitoring Officer of the Council
- Standards Committee members
- Council's Independent Person(s)
- The subject member(s)
- the Parish Clerk (if applicable)

If you have serious concerns about your name and a summary, or details of your complaint being released, please complete **Section C** of this Form and also discuss your reasons or concerns with the Council's Monitoring Officer.

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Please tell us which complainant type best describes you:

- A member of the public
- An elected or co-opted Member of the Council
- An independent member of a Standards Committee
- A Member of Parliament
- A Monitoring Officer
- Other council employee, contractor or agent of the Council
- Other ( )

2. Equality Monitoring Form - please fill in the attached form.

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## B. Making your complaint

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3. Please provide us with the name of the Member(s) you believe have breached the Council's Code of Conduct:

Title	First name	Last name
Cllr	David	Gibbs
(Chairman, Hunsdon Parish Council)		

4. Please explain in this section (or on separate sheet(s)) what the Member is alleged to have done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done, with dates / witnesses to substantiate the alleged breach.

It is also important that you provide all the evidence you wish to have taken into account. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.

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- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

The elements of Hunsdon Parish Council's Code of Conduct<sup>1</sup> (Annex A) which I maintain Cllr Gibbs has breached are:

*Part 1 Sect 3 (1) You must treat others with respect*

*Part 1 Sect 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Hunsdon Parish Council into disrepute.*

The principal evidence for my complaint is Cllr Gibbs' report as Chairman of Hunsdon Parish Council to the 2012/13 Hunsdon Annual Parish Meeting on 25 March 2013 (Appendix 1). This report was read out by Cllr Gibbs at the meeting which was attended by me, other Parish Councillors and about 15 members of the public. The report has subsequently been published with the minutes of the meeting and posted on the village website. Since the report is published then I assume there is no need for witnesses to be identified. The relevant section of his report is concerned with my conduct leading up to and at the EH Development Control Committee meeting on 7 November 2012, when a planning application to replace the current St Francis Chapel in Hunsdon was considered. I am a Member of the DCC but also the Local Member associated with this application.

My complaint is threefold:

1. Cllr Gibbs makes a number of accusations that I acted improperly on this matter and did not abide by the EHC Code of Conduct. My conduct in relation to this planning application has been investigated by an independent Investigating Officer and, although the Officer's report is (at the time of writing) complete, it will remain Confidential until considered by the Standard Committee. The Officer's findings are, though, highly pertinent to this point and I would ask that the report is taken into consideration. However, in response to a letter from the Hunsdon PC Clerk, the Chairman of the DCC advised on 18 February 2013 that a formal complaint about my conduct had been lodged and was being investigated through the proper procedure – in other words the matter was *sub judice*. Under these circumstances Cllr Gibbs should have respected this position and refrained from any comment on the matter, knowing that I would be unable to answer his...  
**(Continue on separate sheet(s), as necessary)**

<sup>1</sup> At the time in question, Hunsdon Parish Council had not adopted a Code of Conduct consistent with The Localism Act 2011. Its extant Code of Conduct had been prepared in accordance with The Local Authorities (Model Code of Conduct) Order 2007 and adopted in May 2007

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1. *(cont) ... accusations.*
2. *Cllr Gibbs' statement that "He spoke for 10 minutes to the Committee and during this time he demonstrated no support for the feelings of his electorate and failed to represent this Community which had plainly made its views known through two public meetings, not to mention the current anger and frustration in the village. His comments had little to no planning content, quoted from the Parish Plan out of context, and a common thread running through his entire speech revealed a rejection of villager's fears and his dismissive attitude to the East Herts District Councils Code of Conduct to which he should adhere. These actions and words followed by a negligible consultation culminated in a granted decision. Cllr Newman's speech at that meeting which generated the 'granted' decision helped to tear this once contented village apart; it will wreck the playing field, destroy the village scene and change forever the environment of the village centre. It has created nothing less than a divisive atmosphere. His speech, full of bias and partisan content..." is, in every detail, an untruthful, unreasonable and unjustified defamation of my integrity. For example and in the context of his assertion that I "...quoted from the Parish Plan out of context...", I provided copies of the summary (from which I quoted) and full versions of the Hunsdon Parish Plan to the EH Head of Planning and it is Mr Steptoe's view that "an entirely reasonable interpretation of them would be that although the reuse/ redevelopment of the current chapel site is expressed as a preference in the parish plan, a separate village centre location should and could also comprise an acceptable alternative." (Appendix 3)*
3. *Cllr Gibbs' statement that "...but because his wife is a Church Warden, and a member of the PCC who are the applicants, it was perceived that a personal interest could affect his judgment on Church matters, he was consequently asked to withdraw before the planning meeting, ...; he refused to withdraw." is again untrue and a defamation of my integrity. I was asked in an email from the Hunsdon PC Clerk on 5 November 2012 (Appendix 2) whether I was planning to speak at the DCC, and I responded that that I was planning to speak. At no stage was I asked to withdraw from the meeting, hence at no stage did I "refuse to withdraw".*

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## C. Confidentiality of complainant and the complaint details

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**Only complete this next section if you are requesting that your identity is kept confidential**

5. In the interests of fairness and in compliance with the rules of natural justice, we believe Members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against him / her. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:
- to believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or
  - may receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint in terms of any existing Council service provision or any tender / contract that you may have or are about to submit to the Council.

Please note that requests for confidentiality or requests for suppression of the personal and complaint details will not automatically be granted. The Assessment Sub-Committee will consider the request alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained about is very serious - we may proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

**(Continue on separate sheet(s), as necessary)**

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### D. Remedy sought

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7. Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint.

I request that Cllr Gibbs makes a written apology to me. A draft of the apology is to be submitted to, and approved by the Chairman of the EH Standards Committee

The apology should be read by Cllr Gibbs at the first available scheduled meeting of Hunsdon Parish Council, and recorded in the minutes thereof.

The apology should be included in the first available scheduled edition of the Hunsdon Parish Magazine.

Hard copies of the apology should be posted on noticeboards around Hunsdon at the first opportunity and for at least one month.

The apology should be posted on the village website at the first opportunity and for at least one month.

**(Continue on separate sheet(s), as necessary)**

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### E. Additional information

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8. Complaints must be submitted in writing. This includes fax and electronic submissions. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.
9. In line with the requirements of the Disability Discrimination Act 1995, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.
10. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

#### **Monitoring Officer Contact details:**

The Monitoring Officer – Simon Drinkwater  
East Herts Council  
Wallfields  
Pegs Lane  
Hertford  
SG13 8EQ

# EAST HERTFORDSHIRE DISTRICT COUNCIL

## Monitoring Form – Local Assessments of Complaints Standards Committee - Assessment Sub Committee

### Working towards equal opportunities

East Hertfordshire District Council is committed to a policy of equality of opportunity in both employment and service provision. We seek to ensure that no person receives less favorable treatment on the grounds of gender, race, or ethnic origins, marital status, disability, age, sexual orientation, family responsibilities, religion, trade union involvement or political belief or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.

#### White

White British  
White Irish  
Any other White  
background

#### Mixed

White and Black  
Caribbean  
White and Black  
African  
Any other mixed  
background

#### Asian

Indian  
Pakistani  
Bangladeshi  
Any other Asian  
background

#### Black

Caribbean  
African  
Any other Black  
background

#### Chinese or other ethnic group

Chinese  
Other

\*Categories used are those utilised by  
the Office of Population Censuses and  
Surveys

Do you have a physical or mental impairment which has a substantial and long term adverse effect on your ability that you wish to declare under the Disability Discrimination Act?

Yes

No

## EAST HERTFORDSHIRE DISTRICT COUNCIL

### Appendix 1 – Extract from the Chairman’s report at the Annual Parish Meeting in Hunsdon on 25 March 2013

*My final report must be in some detail as it is the most important factor this village has had to face. Some villagers have asked me to explain how a Planning Application which was refused by an East Herts Planning Officer, and objected to by a large majority of parishioners, came to be granted by East Herts Planning and Development Control Committee last November. The Parochial Church Council (PCC) entered a Planning Application to East Herts Council to build a Chapel/Community centre on church owned land, currently leased by this council from the Diocese of St Albans for the last 60 years, commonly known to residents as the recreation ground, or playing field, in Acorn Street. The lease runs until the middle of next year. The process detail is considerable so I will not enter into that now, but many people would like to know “what went on”, of the massed feeling against an oversized building in the wrong place, endangering the future of our ancient Parish Church as well as duplicating facilities now available in the refurbished Village Hall a few yards away. Letters of support and objection from the public were available for members of the Planning and Development Control Committee to read and is hoped that they did in addition to taking into consideration their own Planning Officer’s “Refusal” Report, they then heard the three minute presentations by the Church and then this Council. The Committee Chairman then asked for representations from the Committee members, this was answered by Cllr. Newman, Ward Councillor for Hunsdon. In this position he represents this Community, but because his wife is a Church Warden, and a member of the PCC who are the applicants, it was perceived that a personal interest could affect his judgment on Church matters, he was consequently asked to withdraw before the planning meeting, and perhaps his position of Deputy Chairman of that Planning and Development Control Committee would complement any advice given; he refused to withdraw. He spoke for 10 minutes to the Committee and during this time he demonstrated no support for the feelings of his electorate and failed to represent this Community which had plainly made its views known through two public meetings, not to mention the current anger and frustration in the village. His comments had little to no planning content, quoted from the Parish Plan out of context, and a common thread running through his entire speech revealed a rejection of villager’s fears and his dismissive attitude to the East Herts District Councils Code of Conduct to which he should adhere. These actions and words followed by a negligible consultation culminated in a granted decision. Cllr. Newman’s speech at that meeting which generated the ‘granted’ decision helped to tear this once contented village apart; it will wreck the playing field, destroy the village scene and change forever the environment of the village centre. It has created nothing less than a divisive atmosphere. His speech, full of bias and partisan content to the Planning Committee left this council no option but to unanimously pass a vote of ‘ No confidence ‘ in Cllr. Newman.*



## EAST HERTFORDSHIRE DISTRICT COUNCIL

### Appendix 2 - Copy of email exchange with Hunsdon PC Clerk prior to DCC on 7 November 2012

#### Councillor Newman (Michael)

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**From:** Councillor Newman (Michael)  
**Sent:** 05 November 2012 16:41  
**To:** Parish Clerk  
**Subject:** RE: 7 November Dev. Control Committee Meeting

Joy

Apologies for not responding.

I understand that David Kitching will be speaking at the meeting so presumably will be putting these views.

I will have the opportunity to speak as Ward Councillor and will probably do so. What I say will depend on everything I, personally, have read and heard leading up to the meeting and at the meeting.

Best regards

Mike

**Cllr Michael Newman**

East Herts Council, Member for Hunsdon Ward

[REDACTED]

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**From:** Parish Clerk [REDACTED]  
**Sent:** 05 November 2012 13:33  
**To:** Councillor Newman (Michael)  
**Subject:** FW: 7 November Dev. Control Committee Meeting

Mike, Just following up this e mail as I have had no reply from yourself. Thanks Joy

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**From:** Parish Clerk [REDACTED]  
**Sent:** 30 October 2012 17:20  
**To:** michael.newman [REDACTED]  
[REDACTED]  
**Subject:** 7 November Dev. Control Committee Meeting

Mike,

Please find attached a document that HPC is sending to all members of the development control committee for their perusal before the committee meeting.

The Parish Council wants these arguments to be presented at the meeting. As Ward Cllr we would like to ask you would do so. However we are mindful that you may be uncomfortable with this and therefore I have had an initial conversation with R Beeching to stand in if that is the case.

Joy

Joy Robinette  
Hunsdon Parish Clerk

[REDACTED]

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## Appendix 3 - Copy of email from Kevin Steptoe, EH Head of Planning

### **Councillor Newman (Michael)**

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**From:** Steptoe Kevin  
**Sent:** 05 April 2013 14:45  
**To:** Councillor Newman (Michael); Councillor Rutland-Barsby (Suzanne); Drinkwater Simon  
**Subject:** RE: St Francis Chapel, Hunsdon

Mike - thanks for the copy of the summary document - that is certainly a less specific summary document - from the knowledge of both documents I feel that an entirely reasonable interpretation of them would be that although the reuse/ redevelopment of the current chapel site is expressed as a preference in the parish plan, a separate village centre location should and could also comprise an acceptable alternative.

Kevin

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**EAST HERTFORDSHIRE DISTRICT COUNCIL**  
**Annex A - Copy of Hunsdon Parish Council extant Code of Conduct**

**HUNSDON PARISH COUNCIL**

**CODE OF CONDUCT**

*Prepared in accordance with The Local Authorities (Model Code of Conduct) Order 2007  
Coming into force 3rd May 2007*

**PART 1**

**GENERAL PROVISIONS**

**Introduction and interpretation**

**1.**

(1) This Code applies to **you** as a member of Hunsdon Parish Council.

(2) You should read this Code together with the general principles prescribed by the Secretary of State. *See* the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401).

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code -  
“meeting” means any meeting of -

- (a) Hunsdon Parish Council;
- (b) any of the Parish Council’s committees or sub-committees;

“member” includes a co-opted member and an appointed member.

(5) In relation to Hunsdon Parish Council, references to the monitoring officer and the standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of East Herts Council which has functions in relation to the Parish Council for which it is responsible under section 55(12) of the Local Government Act 2000.

**Scope**

**2.**

(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you -

- (a) conduct the business of the Parish Council (which, in this Code, includes the business of the office to which you are elected or appointed); or
- (b) act, claim to act or give the impression you are acting as a representative of the Parish Council and references to your official capacity are construed accordingly.

## **EAST HERTFORDSHIRE DISTRICT COUNCIL**

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of Hunsdon Parish Council -

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with Hunsdon Parish Council'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 Hunsdon Parish Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be -

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings in relation to an allegation that a member (including yourself) has failed to comply with Hunsdon Parish Council'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, Hunsdon Parish Council.

**4.** You must not -

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(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where -

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is -

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of Hunsdon Parish Council, 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 Hunsdon Parish Council 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 Hunsdon Parish Council -

(i) act in accordance with the Council'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) the Clerk to Hunsdon Parish Council; or

(b) East Herts Council's monitoring officer.

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where the Clerk or the monitoring 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 Hunsdon Parish Council.

## 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 the Council;

(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 Hunsdon Parish Council'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 Hunsdon Parish Council 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

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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 Hunsdon Parish Council's area in which you have a beneficial interest;

(x) any land where the landlord is Hunsdon Parish Council 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 Hunsdon Parish Council's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of Hunsdon Parish Council'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 Hunsdon Parish Council and you attend a meeting of Hunsdon Parish Council 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 Hunsdon Parish Council 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 Hunsdon Parish Council 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.

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(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 Hunsdon Parish Council'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.

### **Prejudicial interest generally**

#### **10.**

(1) Subject to sub-paragraph (2), where you have a personal interest in any business of Hunsdon Parish Council 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 Hunsdon Parish Council 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 Hunsdon Parish Council in respect of -

(i) 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;

(ii) an allowance, payment or indemnity given to members;

(iii) any ceremonial honour given to members; and

(iv) 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 Hunsdon Parish Council (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 a Hunsdon Parish Council committees or sub-committee,



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(b) at the time the decision was made or action was taken, you were a member of the 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 Hunsdon Parish Council -

(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 the Council's standards committee;

(b) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of Hunsdon Parish Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## **PART 3**

### **REGISTRATION OF MEMBERS' INTERESTS**

#### **Registration of members' interests**

#### **13.**

(1) Subject to paragraph 14, you must, within 28 days of -

(a) this Code being adopted by or applied to Hunsdon Parish Council; or

(b) your election or appointment to office (where that is later),

register in Hunsdon Parish Council'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 East Herts Council'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

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new personal interest or change by providing written notification to East Herts Council's monitoring officer.

### Sensitive information

#### 14.

(1) Where you consider that the information relating to any of your personal interests is sensitive information, and East Herts Council'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 East Herts Council's monitoring officer asking that the information be included in Hunsdon Parish Council's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

### EXPLANATORY NOTE

*(This note is not part of the Order)*

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

**Paragraph 2** of the Code provides that the Code applies whenever a member is acting in his or her official capacity, and in relation to conduct in a member's private capacity the code only applies where such conduct has resulted in a criminal conviction. Additionally, where a member is acting as a representative of his or her authority, he or she must continue to observe the authority's code, unless he or she is subject to another relevant authority's code, or unless (in relation to any other body) it conflicts with any other legal obligations.

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

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

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

**Paragraph 6** of the Code provides that a member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the

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authority's resources, he or she must act in accordance with the authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

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

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

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

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

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

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

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

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