

**1. Code of Conduct**

**1.1 Purpose of the report, background and issues**

- 1.1.1 On 21 March 2022 the Audit, Governance and Standards Committee made the recommendation that Essex County Council should adopt the LGA Model Code of Conduct with effect from 1 June 2022.
- 1.1.2 In early 2019 the national Committee on Standards in Public Life published a report on standards in local government. They made a number of recommendations to local authorities, to the LGA and to central government. ECC has broadly implemented the recommendations. Central government has just responded to the recommendations, although it does not propose to implement most of them it does support the national code.
- 1.1.3 The key recommendation to the LGA was that it should produce a model code for local authorities to consider adopting. At present all local authorities have their own code. A 'model' code was produced by the Essex authorities in 2012 but almost all authorities – including ECC – have amended the 'model' code to reflect their own circumstances. Over time the authorities have carried out further reviews and most authorities are now using a code which, though based on the original Essex Code, has significant differences.
- 1.1.4 This has a particular impact on members of ECC given that 84% of the members elected in May 2021 are members of at least one other authority, 20% are a member of two other authorities. It is possible that a member may be subject to four different codes of conduct at different times.
- 1.1.5 ECC's starting point should therefore be that it would welcome the introduction of a model national code, in the hope that all Essex authorities will adopt it. The adoption of a national code would of course mean that ECC has to accept a code designed for all local authorities rather than specifically for ECC, but the benefits of all Essex local authorities using the same code, could be thought to outweigh these disadvantages.
- 1.1.6 In December 2020 the LGA code was published. The Committee considered the draft code in March 2021 but most Essex authorities were not at that stage intending to adopt it. This was because there were a number of concerns about the clarity of the rules about declaring interests. As a result this committee decided not to recommend adoption, but to keep a watching brief on the situation.
- 1.1.7 In May 2021 the LGA published a revised version of the model code. This addresses the main concerns that monitoring officers had with the LGA code. Essex monitoring officers met and decided that they would explore with their authorities whether or not they would be prepared to adopt the model code,

with most monitoring officers feeling that they would be prepared to recommend it to their authorities and that the 2022 annual meeting would be a good time for the new code to take effect.

1.1.8 There has been a significant shift in opinion across the Essex authorities and most authorities are now working towards adopting the LGA code although there are thirteen

1.1.9 It therefore seems sensible for ECC to now adopt the national code. ECC members have the most to gain from a single code. What would adopting the Code mean?

1.1.10 If ECC adopts the code then we will need to ensure that there is a programme of communications and training for all councillors. In terms of the key differences it is useful to consider three aspects of the code –

- rules of behaviour
- registration of interests and gifts
- declaring interests.

1.1.11 The rules of behaviour are very similar to the current ECC code. The rules on non-discrimination are slightly different and would allow an argument that a decision taken by a cabinet member is a breach of the code if it discriminates. However, such a complaint would not be likely to be investigated as under our current policy, so this is unlikely to create any problems in practice. The LGA code includes a definition of bullying, something which our code does not have. The Committee on Standards in Public Life recommends that local authorities include such a definition in their code.

## 1.2 **Interests**

1.2.1 The rules about registering interests would mean that fewer interests would be required to be registered under the LGA code than under the current ECC code. Members would no longer be required to register:

- tenders submitted to ECC within the last two years
- contracts with ECC which have expired in last two years
- contracts with ECC subsidiary companies.

1.2.2 This would perhaps slightly reduce transparency, but members would still be required to register live contracts with the Council.

1.2.3 The threshold for registration of gifts and hospitality would be increased from £25 to £50. Gifts or hospitality under £50 would not need to be registered. The £25 limit was set in 2001 so is due for a review; many other authorities have increased the registration threshold. In addition there is a requirement in the code to register offers of gifts/hospitality over £50 which have been refused – this is not in our current code.

- 1.2.4 The rules on declaring interests and leaving the room are similar to the current rules. They are more nuanced than the current rules although they are likely to operate in a similar way. For example, different rules apply where a decision affects your interest than if it directly affects it. In practice this does mean that district councillors will be unable to consider a matter which directly affects the other authority, although ECC will be able to grant dispensations. As an example, the Council currently grants a dispensation relating to membership of another local authority which allows members to speak and vote on matters relating to their other authority.
- 1.2.5 The LGA code is likely to be reviewed regularly. Every time it changes ECC will need to consider updating its own code to reflect the changes in the national code. The LGA have indicated that the code won't change in 2022.
- 1.2.6 If we adopt the model code, all members will need to review their register of interests as the requirements for registration are slightly different, although the requirements of the LGA code are slightly simpler.
- 1.3 Disclosable Pecuniary Interests.**
- 1.3.1 Most conflicts of interest, arise between members are disclosable pecuniary interests. The current rules are set by law and won't change as a result of adopting the code.
- 1.3.2 The version of the LGA code published in May 2021 is a significant improvement from previous versions. Moving to the national code can only help the council demonstrate high standards of conduct and it will make things much simpler for members who are twin hatted if their district also adopts the model code. On balance it is now recommended to adopt the code of conduct.
- 1.3.3 The Council is required by the Localism Act 2011 to adopt a code of conduct which is consistent with the 'Nolan' principles. It has a wide discretion as to what the code says, but there is a clear benefit to it being consistent with codes adopted by other authorities where there is an overlap of membership between ECC and the other authority.
- 1.3.4 The LGA Code of Conduct is appendix 1 to this report.

**Recommendations:**

1. That Essex County Council adopts the LGA Model Code of Conduct (including appendices A and B to the Code with effect from 1 June 2022 and that the code is inserted into part 24 of the Constitution.
2. That the Monitoring Officer communicates the changes to members including holding a Member briefing session on Thursday 26 May at 11:30 and this is made available to members who are unable to attend via a recording.

## **2. Review of ‘written questions’ pilot**

### **2.1 Introduction**

- 2.1.1 In December 2021 Council agreed to trial the replacement of the process for dealing with written questions at council meetings with a rolling ability for members to ask written questions.
- 2.1.2 The trial was to start in early 2022 and be reviewed before the annual meeting of the Council. The process was launched to members in January 2022
- 2.1.3 If no action is taken, the temporary changes to the constitution will expire meaning that written questions at council will resume at the July 2022 meeting.
- 2.1.4 Answered questions are published here [EssexCmis5 > Written Questions to Cabinet Members](#). Members are notified when a batch of questions and answers are published. On average it has taken 7.8 calendar days for a response to be sent, which the quickest reply being sent after one day and the slowest after fourteen days.

### **Recommendation:**

- 1. That the trial is extended until the December meeting, bringing back a further report to the October meeting.
- 2. That paragraph 16.12 of the Constitution is amended by replacing the words ‘until after the annual meeting of the Council taking place in 2022’ with ‘until after the meeting of the Council on 11 October 2022’

## **3. Parental Leave Policy**

### **3.1 Purpose of the report, background and issues**

- 3.1.1 Essex County Council does not currently have a Parental Leave Policy in place for Members of the Council.
- 3.1.2 The Council is committed to ensuring fairness and equality and has recently signed the new ‘Family Friendly Employers Charter’. This outlines ECC’s commitment to supporting working parents and carers to manage both their work and caring commitments.
- 3.1.3 The next logical step is to work to ensure that elected members are supported if they have a child, whether it be through birth or adoption. This applies equally to the father and mother.
- 3.1.4 Largely due to a significant number of female councillors retiring in 2021, the diversity of membership of the Council in terms of sex has decreased. There is a national campaign run by the LGA to encourage individuals to stand and

one way we can encourage greater diversity in Essex, is in making the role more accessible for individuals who may feel excluded from standing and to retain councillors, particularly women who plan to have a family.

- 3.1.5 By introducing a parental leave policy, we would ensure that where possible, Members were able to take time away from their duties at the time of a birth or adoption, this would apply to both parents. It would also aim to ensure adequate arrangements are in place to provide cover for those in receipt of a Special Responsibility Allowance.

**Recommendation:**

1. That Council adopts the Parental Leave Policy in the form appended to this report and includes it within the Member Allowance Scheme from 13 July 2022.

**4. Minor changes to the constitution**

- 4.1 One change to the constitution is proposed. This is to correct two paragraphs and to make the constitution more accurate.

**(a) Public Speaking Procedure**

It is proposed to amend paragraphs 20.5 and 21.5 to refer to the public speaking procedure in 17.5.2. Currently they refer to 17.4.2, which no longer exists.

**Recommendation:**

That the following amendments to the constitution be made with effect from the close of this meeting:

- (1) Amend paragraph 20.5 of the constitution to read:

At the start of every Ordinary meeting of the Cabinet and Scrutiny Committees there shall be a period of up to 15 minutes to enable members of the public to make representations on an item on the Agenda for that meeting.

The Procedure for public speaking is as set out in 17.5.2 above.

- (2) Amend paragraph 21.5 of the constitution to read:

At the start of every Ordinary meeting of the Cabinet and Scrutiny Committees there shall be a period of up to 15 minutes to enable members of the public to make representations on an item on the Agenda for that meeting.

The Procedure for public speaking is as set out in 17.5.2 above.

**5. Dates of forthcoming Council meetings**

- 5.1 The dates of the future meetings of Council were agreed at the meeting held in October 2021, to be on the following Tuesdays, 12 July, 11 October and 13 December 2022.
- 5.2 The meetings of the Council are normally held at County Hall in the Council Chamber and commence at 10:00am.
- 5.3 It is necessary to schedule a meeting to be held in February 2023. The proposed date of this meeting is Thursday 9 February 2023.

**Recommendation:**

- 1. That the dates of Council meetings scheduled in 2022 on the following Tuesdays, 12 July, 11 October and 13 December, remain unchanged.
- 2. That the Council meeting in February 2023 be held on Thursday 9 February 2023.



## **Local Government Association**

### **Model Councillor Code of Conduct 2020**

#### **Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## **Introduction**

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## **Definitions**

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.



## **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

## **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

#### **2. Bullying, harassment and discrimination**

##### **As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the council**

**As a councillor:**

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a councillor:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

#### **4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

**As a councillor:**

### **5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a councillor:**

### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

**As a councillor:**

### **7.1 I do not misuse council resources.**

### **7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

### **As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### **Protecting your reputation and the reputation of the local authority**

## **9. Interests**

### **As a councillor:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

### **As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**“Disclosable Pecuniary Interest”** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it ]

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.



## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## **Table 2: Other Registrable Interests**

You must register as an Other Registrable Interest :

- a) any unpaid directorships
  - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
  - c) any body
    - (i) exercising functions of a public nature
    - (ii) directed to charitable purposes or
    - (iii) 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

## **Appendix 2**

### **Draft Parental Leave Policy for Essex County Councillors.**

The County Council wishes to encourage parents to be represented at all levels of politics.

The purpose of this Policy is to confirm ECC's commitment to supporting members who have or wish to have children in the future and encouraging individuals to stand for election to the Council.

Within this policy, Parental Leave refers to the period of absence for an elected member of this Council following the birth or adoption of a child, this is applicable for both mothers and fathers.

#### **1. Attendance and leave periods**

- 1.1 Section 85 of the Local Government Act 1972 requires councillors to attend at least one meeting of the Council in any six-month period.
- 1.2 Following the birth or adoption of a child, a dispensation will be put to the full Council to be given an extended leave of absence if requested.
- 1.3 Elected members will be allowed to attend any meetings of Council during this period if they wish.
- 1.4 Elected members giving birth are entitled to up to 52 weeks parental leave. This leave may be split between the parents. If either parent is in paid employment then any shared parental leave will reflect the arrangements made with the member's employer.
- 1.5 If no shared parental leave arrangement is in place then elected members shall in any event be entitled to two weeks parental leave following the birth of a child to their partner/spouse. Special and exceptional arrangements may be made in cases of premature birth.
- 1.8 If an elected Member adopts a child through an approved adoption agency, they shall be entitled to take up to 26 weeks adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.
- 1.9 Elected members will be provided with adequate IT equipment to allow them to work remotely whilst on parental leave and when returning to their role.
- 1.10 Any member taking parental leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.
- 1.11 Members will not be expected to deal with constituency business during the absence. The Head of Democracy and Transparency will work with members

to identify alternative arrangements, preferably via another local member agreed with the member concerned for dealing with this.

## **2. Allowances**

- 2.1 Elected Members on Parental Leave will continue to receive their Basic Allowance without deduction.
- 2.2 Elected Members on Parental Leave will continue to receive any Special Responsibility Allowances to which they are entitled.
- 2.3 Essex County Council's Democracy Team will facilitate any arrangement to allow case work to be completed and in consultation with the individuals Group will support cover arrangements.
- 2.4 Where a member who is taking parental leave is in receipt of a special responsibility allowance this will be paid for the period of their parental leave.
- 2.5 Where a replacement member is appointed to cover the period of parental leave, that member must be formally appointed via the usual processes and will receive the special responsibility allowance on a pro rata basis for the period of the temporary appointment (subject to the rule that no member may have more than one special responsibility allowance).
- 2.6 Payment of allowance to someone on parental leave will cease if the member ceases to be a member for any reason. In addition, payment of a special responsibility allowance will stop if
  - (a) There is a change in the leader of the Council and the leader appoints a permanent replacement
  - (b) The role attracting the special responsibility is abolished or ceases to attract a special responsibility allowance
  - (c) The member resigns from the role or indicates that they do not wish to return to the role.
  - (d) The member has been on parental leave for six months (unless the Council agrees to extend it in any particular case).
- 2.7 The Council's policy is that a member receiving special responsibility allowance whilst on parental leave will normally be entitled to return to the same role (or if that's not possible, a similar role) when they return from parental leave. This applies subject to the normal rules on appointments and would not apply in the circumstances set out in paragraph 2.7 (a) to (c). It is recognised that any member may be removed from any office as part of a wider reshuffle at any time.

## **3. Resigning from Office and Elections**

- 3.1 If a Member decides that they no longer wish to be a councillor, they must notify the Head of Democracy and Transparency at the earliest possible opportunity. All allowances will cease from the effective resignation date.
- 3.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the day on which they leave office (normally the Monday after polling day).