

## Article 4 – The Full Council

### 4.01 The Role of the Council

- To act as a forum where all Members can meet on a regular basis to discuss and debate issues of importance to the Borough.
- To decide the Council's Policy Framework and Budget.
- To be responsible for regulatory, audit and other non-executive functions.
- To carry out the Local Choice functions in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
- To hold the Executive to account.

### 4.02 Functions of the Council and Terms of Reference

#### (1) Council Policy Framework

To approve and adopt the following plans and strategies which together make up the Council's Policy Framework:

- (a) Those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (and any further or amendment regulations which may be made from time to time under s.13 of the 2000 Act) to be adopted by the Council:

- ~~Performance Plan~~
- Children & Young People's Plan (~~being a shared responsibility with the Executive~~)
- Sustainable Community Strategy
- ~~Sustainability Plan~~
- Crime and Disorder Reduction Strategy
- Local Transport Plan
- Plans and strategies which together comprise the Development Plan and the Statement of Community Involvement
- Youth Justice Plan
- Licensing Authority Policy Statement (Licensing Act 2003 and Gambling Act 2005)
- Pay Policy Statement

- (b) The following plans and strategies which the Council has adopted as part of the Policy Framework:

- Southend 2050 Ambitions, Themes & Outcomes and Five Year Road Map
- ~~Council's Corporate Plan & Annual Report~~
- The Official Feed and Food Controls Service Plan
- ~~The plan and strategy which comprise the Housing Investment Programme~~
- Corporate Support, Finance and Information Technology Policies which have major financial or organisational implications
- Highways Maintenance Plan-Infrastructure Asset Management Plan
- ~~Licensing Authority Policy Statement (Gambling Act 2005)~~
- ~~The Joint Health and Wellbeing Strategy~~

- (c) Any plan or strategy required by law to be sent to a Minister of the Crown for approval.

## 8. Audit Committee

### 8.1 Membership

9 Members of the Council (to include not more than one Executive Councillor, who should not be the Leader) and one non-voting co-opted member.

At least 1 member should have financial expertise.

The Chairman shall not be an Executive Councillor.

Substitutes: Permitted in accordance with Standing Order 31  
Proportionality: Applies

### 8.2 Quorum

As per Standing Order 38.1

### 8.3 Terms of Reference

**8.3.1** The Audit Committee is a key component of the Council's corporate governance arrangements. It provides an independent and high-level focus on audit, assurance and reporting arrangements that underpin good governance and financial standards.

**8.3.2** The purpose of the Audit Committee is to:

- provide independent assurance of the adequacy of the risk management framework and the internal control environment;
- provide independent review of its governance, risk management and control frameworks;
- oversee the financial reporting and annual governance processes; and
- oversee internal audit and external audit, helping to ensure effective relationships exist and efficient and effective assurance arrangements are in place.

**8.3.3** In order to be able to discharge its statutory responsibilities, its remit will cover:

- The Council's assurance statements, including the Annual Governance Statement, so it can satisfy itself that they:
  - properly reflect the risk and internal control environment and any actions required to improve it; and
  - demonstrate how governance supports the achievements of the Council's objectives. X
- The Council's internal audit function, with regards to its:
  - independence, objectivity, performance, professionalism and effectiveness;
  - use within the Council's overall assurance framework.
- The Council's risk management arrangements and control environment so it can:
  - consider its effectiveness;
  - review the organisation's risk profile and assurances provided that action is being taken on risk related issues, including those involving partnerships with other organisations. X
- The Council's control environment, so it can evaluate its effectiveness, particularly with regard to ensuring:
  - the effective exercise of the Council's functions;
  - value for money is delivered;
  - the exposure to the risks of fraud and corruption are managed. X
- reports and recommendations made by external audit and inspection agencies and their implications for governance, risk management or control;
- the financial statements, external auditor's opinion and reports to Members and responses by management to issues raised by external audit;

- treasury management, so it can effectively scrutinise and monitor delivery of the strategy and policies in accordance with the CIPFA Treasury Management Code of Practice; and
- the functions and effectiveness of the Audit Committee, including the production of its annual report.

**8.3.4** The Committee will meet four times per year, with dates included in the Council Calendar. Further meetings can be arranged on an ad hoc basis as the Audit Committee deems appropriate.

**8.3.5** The Director of Finance & Resources (S151 Officer), the Head of Internal Audit and the Council's External Auditors will be invited to attend every Audit Committee meeting. As well as reviewing documentation, the Audit Committee exercise the right to invite any other officers, Chairmen of other Committees or Cabinet Members to attend before it, as and when required. This would be to provide assurance in relation to the adequacy of the governance arrangements, risk management and control frameworks pertaining to their area of activity / responsibility.

It is the duty of those persons to attend if so required.

Where any member or officer is required to attend the Audit Committee under this provision, maximum notice will be given.

Where in exceptional circumstances, the Member or officer is unable to attend on the required date; an alternative date will be agreed with the Chairman.

#### **8.4 Status of Meetings**

Open to the public

#### **8.5 Reports To**

Council



#### 4.2.3 Terms of Reference

- (a) To act as a vehicle for improved liaison between the Council and private sector business, town centre and tourism interests.
- (b) To act as a mechanism for the exchange of ideas between the Council, local business and relevant organisations with the aim of enhancing the economic success and viability of the Borough, including the town centre and facilities for visitors and residents.
- (c) To make recommendations on future improvements which may be provided within the constraints of the Council's budgetary provision or which may be provided by the private sector.
- (d) To consider reports on principles and key ideas for development of the Borough's Economic Development Statement.

#### 4.2.4 Status of Meetings

Private

#### 4.2.5 Reports to

The Cabinet

#### 4.2.5 Reports

The Cabinet

### 4.3 The Senior Managers' Pay Panel

#### 4.3.1 Membership

- Leader (Chairman)
- Deputy Leader
- 1 Other Cabinet Member
- The Leaders of the 2 largest Opposition Groups
- \* ~~A person independent of the Council~~

(Advisor – Chief Executive & ~~Town Clerk~~, save that in the case of his her own PRP it will be a an independent SOLACE consultant- or other independent advisor as agreed with the Chief Executive.)

Substitutes: Permitted in accordance with Standing Order 31  
Proportionality: Does not apply

#### 4.3.2 Quorum

3

#### 4.3.3 Terms of Reference

- To consider and moderate objectives set for the Senior Managers subject to PRP (the Chief Executive & ~~Town Clerk~~, Deputy Chief Executives and Directors).
- To consider recommendations from end of year reviews and agree pay awards within the parameters of the Council's Senior Managers' Pay Scheme.

#### 4.3.4 Status of Meeting

Private

#### 4.3.5 Reports to

The Cabinet

Appendix 4

- (d) Local development issues and pressures
- (e) Other planning issues, such as design, sustainability and the procedures for dealing with applications BUT NOT any proposed or existing planning applications.

#### 4.5.4 Status of Meetings

Private

#### 4.5.5 Reports to

The Cabinet

### 4.6 Shareholder Board

#### 4.6.1 Membership

8 Members including the Leader, Deputy Leader ~~Executive Councillor for Corporate and Community Support Services and one other Executive Councillor~~ and two Cabinet Members, but Note: No Councillor who sits on the board of a Council Company can attend a shall be a member of the Shareholder Board meeting considering that Company.

The Chairman shall be the Leader or such other Executive Councillor as the Leader shall appoint

Substitutes: Permitted in accordance with Standing Order 31

Proportionality: By convention proportionality shall apply.

#### 4.6.2 Quorum

3

#### 4.6.3 Terms of Reference

- a) To provide an effective means of governance of Council Companies and to oversee the activities of such Council Companies.
- b) To represent the Council's interests as shareholder and to communicate the Council's views to the Council Companies.
- c) To Safeguard the Council from excessive risk taking or poor performance by the Council Companies.
- d) To provide assurance that the Council Companies are following the strategic direction and objectives which have been agreed and is delivering its service and financial performance.
- e) To make recommendations to Cabinet as to any action which needs to be taken as corporate shareholder of the Council Companies.

#### 4.6.4 Status of Meetings

Open to the public – save in respect of Part 2 Business

#### 4.6.5 Reports to

Cabinet

### 4.3 The Chief Executive and / or Director of Transformation

- To make, revoke or amend Human Resources Policies, in consultation with the Chief Executive & Town Clerk and after consultation with the Trade Unions if appropriate, save that where the Chief Executive & Town Clerk determines that the issues involved are significant (including but not limited to changes to disciplinary and grievance procedures), then the decision shall be for Cabinet.
- To agree gradings of new posts with the appropriate Chief Officer.
- To deal with Council communications and press releases.
- To determine applications for in-year grants in accordance with the agreed criteria, following consultation with the members of the Grants Strategy Working Party.
- To pay salaries, wages, performance related pay, honoraria and other gratuities (the Director of Finance & Resources also has this delegated power).
- To deal with organisational transformation, save that strategic decisions shall be a matter for Cabinet.
- To deal with all matters relating to the Customer Service Centre.
- To discharge the Council's functions (including but not limited to determining all consents, permissions and licences and taking enforcement action) in relation to:
  - Cemeteries and crematoria
  - The Registration of Births, Deaths and Marriages, and civil ceremonies, including premises for Civil marriages
  - Transport services
- See also section 5.2 for Special Scheme of Delegation for Cemeteries and Crematorium

### 4.4 The Chief Executive and / or the Director of Finance & Resources

- To take all steps that are considered appropriate for the administration of the financial affairs of the Council including:
  - To pay salaries, wages, performance related pay, honoraria and other gratuities. (The Director of Transformation also has this delegated power.)
  - To borrow and invest.
  - To trade in Landfill allowances.
  - To deal with all insurance matters, including the settlement of insurance claims.
  - To deal with all pension matters including the making of pension determinations.
  - To determine fraud and corruption policies.
- To deal with all Revenues and Benefits matters including:
  - To deal with all matters and to exercise all discretions relating to the determination, administration and collection of non-domestic rates and Council Tax which are not reserved to a Member Body.
  - To take legal proceedings for the recovery of General Rate arrears, Non Domestic Rate arrears, Community Charge arrears, Community Charge penalties and Council Tax arrears, and all other outstanding debts.
  - To authorise officers to represent the Council in such proceedings and in all other proceedings connected with local tax recovery.
  - To discharge the Council's functions relating to Council Tax and Housing Benefit, including measures to combat fraud.
- The Director of Finance & Resources shall exercise the functions of the S.151 Chief Finance Officer as set out in Article 12 of **Part 2** of the Constitution (Note: This role cannot be discharged by the Chief Executive unless he is a qualified accountant)
- To carry out the following Estate Management functions in relation to Council land or property assets including those assets held by the Council as trustee:



- To deal with all Estate Management functions including but not limited to settling the terms of any lease renewals, rent reviews, surrender and renewals, lease extensions, supplemental leases, lease re-gearing opportunities, landlord's consents, access agreements, dilapidations, charges, variations and the service of notices, commissioning surveys, forfeiture and enforcement action.
- To settle the terms of any new leases, or supplemental leases with an annual rent up to and including £75,000 p.a.
- To deal with disposals, including easements or other interests in land for best consideration with a capital value or consideration up to and including £250,000.
- To deal with acquisitions on value for money terms with a capital value or consideration up to and including £250,000.
- To deal with any disposals at under-value where the element of undervalue has a premium value or consideration of less than £100,000.
- To deal with any lettings at under value where the term does not exceed 7 years or the element of under value on the rent is less than £25,000 p.a.
- To consider objections and in the case of there being less than 5 non-substantive objections, to authorise the disposal of open space in accordance with the process set out in the Corporate Asset Management Strategy.
- To manage office accommodation in the Civic Centre
- The authority to set up, oversee vary and terminate estate management arrangements as required, including where necessary establishing management companies and to deal with the administration and authorisation of company arrangements for these and the distribution of shares as required



**Note:** Reference to leases includes licences, tenancies at will and any other occupational agreements.

- See also Section 5.3 and 5.10 for Special Schemes of Delegation for Estate Management Services and Assets of Community Value respectively.

#### **4.5 The Deputy Chief Executive (People) and / or, the Director of Children's Services**

- To act as the Director of Children's Services appointed under the Children Act 2004: To discharge all responsibilities and duties relating to children conferred under that Act or previously discharged by the Director of Social Services and to discharge all the functions of the Council as a Children's Services Authority except for:
  - Approval of statutory plans for any aspect of children's services.
  - Establishment and review of the statutory complaints procedure under S23A-S23B of the Children Act 1989.
- See also Section 5.8 for Special Scheme of Delegation for Children Statutory Social Services Complaints.

#### **4.6 The Deputy Chief Executive (People) and / or the Director of Learning**

- To discharge the Council's functions relating to education and learning (including those previously discharged by the statutory Chief Education Officer) except for:-
  - Approval of the financial scheme of delegation and Local Management of Schools formula.
  - Statutory notices and prior consultation relating to school closures.
  - Fixing school term and holiday dates

## 5. Special Schemes of Delegation

### 5.1 Regulation of Investigatory Powers Act 2000

- 5.1.1 All Chief Officers and the following Group Managers in the Department for Place (Regulatory Services, Waste & Environmental Care and Partnership Manager, Community Safety) are Authorising Officers for directed surveillance or CHIS activity under the Regulation of Investigatory Powers Act 2000 provided they have received appropriate training and comply with the Council's RIPA Policies & Procedures.
- 5.1.2 Any Council Officer who has received appropriate training may carry out directed surveillance authorised under 5.1.1. Such Officer shall be known as an "Investigating Officer" and must comply with the Council's RIPA Policies and Procedures.
- 5.1.3 All Chief Officers, the Group Manager Regulatory Services (Place) and the Assistant Director for Crime, Fraud & Investigation (Finance & Resources) ~~Group Manager Investigations (Chief Executive Department)~~ shall each act as Designated Person to submit applications to the National Anti-Fraud Network (NAFN) and to the Magistrates Court for Communications Data, provided they have received appropriate training and comply with the Council's RIPA Policies & Procedures.

### 5.2 Cemeteries & Crematorium

The Bereavement Services Group Manager is authorised to enforce and execute the duties and functions of the Council in respect of the following:

- (i) To grant exclusive rights of burial and rights to erect monuments and memorials.
- (ii) To enter into undertakings for the maintenance of graves.
- (iii) In appropriate circumstances, to arrange funerals at the Council's expense in accordance with Section 46 of the Public Health (Control of Disease) Act 1984.

Under the direction of the Bereavement Services Group Manager; the Crematorium Manager; Office Manager and Administration Officer are appointed to authorise cremations under the Cremation Act 1902, the Cremation Regulations 1930-1979 and the Cremation (Amendment) Regulations 1988.

### 5.3 Estate Management Service

The ~~Head of Group Manager (Corporate Property & Asset Management)~~ may exercise all the powers of the Chief Executive and Strategic Director of Finance & Resources in respect of Estate Management Services as defined in 4.4 above subject to the limits set out in the Financial Procedure Rules.

### 5.4 Private Sector Housing

The following Officers may serve notices and take appropriate action (including but not limited to works in default) under Private Sector Housing legislation within their area of responsibility, subject to being authorised in that regard by their Chief Officer pursuant to 3.2(h):

- Private Sector Housing Manager
- Strategy & Planning Manager, Private Sector Housing
- Private Sector Enforcement Officers



## 5.5 Building Control

The Group Manager (Planning & Building Control) may exercise all the powers of Deputy Chief Executive (Place) and the Director of Planning & Transport in respect of Building Control and Dangerous Buildings.

## 5.6 Public Protection (including Regulatory Services, Waste Management & Environmental Care and Community Safety)

- (a) The Group Managers for Regulatory Services, Waste Management & Environmental Care and Community Safety may exercise all the powers of the Deputy Chief Executive (Place) and the Director of Public Protection in respect of functions within their remit as defined in 4.11 above.
- (b) The following Officers may serve notices and take appropriate action (including but not limited to works in default) under legislation within their area of responsibility, subject to being authorised in that regard by their Chief Officer pursuant to 3.2(h):
- Regulatory Services Manager(s)
  - Regulatory Services Officer(s)
  - Service Manager, Waste Management
  - Waste and Contracts Officer(s)
  - Environmental Care Co-ordinator(s)
  - Environmental Care Officer(s)
  - Enforcement Officer(s)
  - Animal Warden
  - Sustainability Officer
  - ~~Anti-Social Behaviour Team Leader~~
  - ~~Anti-Social Case Worker(s)~~
  - CCTV Team Leader
  - Community Safety Manager
  - Community Safety Officer(s)
  - ~~Enforcement Support Officer~~
  - Any other duly appointed and trained contracted staff

## 5.7 Planning

5.7.1 Subject to the **Committee Referral Procedure** in 5.7.4 below, approval or refusal of all applications made under The Town and Country Planning Act 1990, The Planning (Listed Buildings and Conservation Areas) Act 1990 and The Planning (Hazardous Substances) Act 1990 and associated Regulations and Orders is delegated to each of the following officers ("**the Relevant Officer(s)**"):

- The Deputy Chief Executive (Place);
- The Director of Planning and Transport; and
- The Group Manager (Planning and Building Control)

provided that:

- (a) In the case of an approval the proposals do not conflict materially with a policy of the current Development Plan;
- (b) In the case of refusals the proposals are materially in conflict with a policy of the current Development Plan;
- (c) Consultations, neighbour notification and publicity have been carried out in accordance with statutory requirements and Council Policies;
- (d) The decision would not conflict with a material planning objection in principle from a statutory consultee received within the statutory consultation period;

## 18. Motions Affecting Persons Employed by the Council

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary or conditions of service of any person employed by the Council, it shall not be considered until the appropriate statutory resolution to exclude the public from the meeting has been passed.

## 19. Opposition Business at Council

19.1 This Standing Order applies where there is a majority group among the Members of the Council or there is a Joint Administration.

19.2 A minority group (not forming part of a Joint Administration) may require, by a notice in writing given to the Chief Executive not later than the latest time for the receipt of notices of motion for that meeting, that any one item of business be placed on the agenda for any meeting of the Council and this shall be treated as opposition business. In addition the minority group must give notice in writing to the Chief Executive at least 24 hours before the Council meeting of any motion which they propose to move at the end of the debate.

19.3 Where the Chief Executive receives more than one such notice for any meeting, he or she shall decide which notice shall be effective so as to ensure that as far as possible each minority group's share of such notices which are effective fairly reflects the relative sizes of those groups in the period since the last annual meeting of the Council.

19.4 The Chief Executive shall indicate on the agenda which (if any) item of business is to be treated as opposition business and not more than 45 minutes shall be spent on such business. The normal rules of debate shall apply and for the avoidance of doubt there shall be no provision for questions.

19.5 Opposition business cannot relate to a matter which is currently the subject of a formal public consultation process being undertaken by the Council.

## 20. Interest of Members in Contracts and Other Matters

(a) A Member with a Disclosable Pecuniary Interest, other pecuniary interest or non-pecuniary interest (as defined in the Member's Code of Conduct in **Part 5(a)**) in a matter who attends a meeting of the Authority at which the matter is considered, must disclose the existence and nature of the interest at the commencement of the meeting, or as soon as the interest becomes apparent.

(b) If the interest is a Disclosable Pecuniary Interest or other pecuniary interest then the Member must withdraw from the room where the meeting is being held whenever it becomes apparent that the matter is being considered, unless he or she has obtained a dispensation.

(c) If the interest is a non-pecuniary interest, then the Member must withdraw from the room where the meeting is being held if that 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 the Member's judgement of the public interest or may give rise to a perception of conflict of interest or bias.

## 21. Interest of Officers in Contracts

The Council's Director of Transformation shall keep a central electronic register of all declarations of interest by employees pursuant to the Employee Code of Conduct in **Part 5(c)** and the Declarations of Interest Policy and this will include any disclosure by officers of interests in contracts under S.117 of the Local Government Act 1972. The central electronic register will be open to public inspection in respect of the entries of the Chief Officers.



- A Council Working Party may comprise any Members of the Council, (except that a Cabinet Member shall not be a member of a Working Party which reports to or through a Scrutiny Committee) together with Co-opted members and Officers.
- Council Working Parties shall report to the Council, either directly or through a Committee.

### **37. Attendance at Cabinet, Committee & Working Party Meetings by Members of the Council**

#### **Cabinet**

**37.1** A Member of the Council may attend a meeting of the Cabinet, but will only be entitled to speak on an item if he / she:

- (a) is a Cabinet Member; or
- (b) has been permitted by the Cabinet to speak.

And for the avoidance of doubt only a Cabinet Member is permitted to vote on any item.

#### **Committees and Sub-Committees**

**37.2** Subject to the interest rules in the Code of Conduct and the provisos set out in (a) and (b) below, a Member of the Council may attend a meeting of any Committee or Sub-Committee, but will only be entitled to speak on an item if he / she:

- (a) is a member of the Committee or Sub-Committee (or duly appointed substitute); or
- (b) has been permitted by the Committee or Sub-Committee to speak; or
- (c) has placed the item on the agenda under Standing Order 35.1(d) (but calling in an item is not sufficient); or
- (d) is the proposer or seconder of a Notice of Motion which has been referred to a Scrutiny Committee under Standing Order 8.4.

And for the avoidance of doubt, only a member of the relevant Committee or Sub-Committee is permitted to vote on any item.

#### **Provisos**

- (a) A Member may not attend a meeting of a Committee / Sub-Committee meeting in private, to deal with employment issues and appeals, education appeals and housing allocation policy appeals unless he / she is a member of that Committee / Sub-Committee, a duly appointed substitute for that meeting or has a legal right to attend.
- (b) A Member who attends a Committee or Sub-Committee, of which he or she is neither a member nor a duly appointed substitute, should sit apart from Committee / Sub-Committee members and shall only be entitled to speak for a maximum of 5 minutes on any item.

#### **Working Parties, Panels & Forums Meeting in Public**

**37.3** Subject to the interest rules in the Code of Conduct and the proviso set out below, a Member of the Council may attend a meeting of any Working Party / Panel / Forum, but will only be entitled to speak on an item if he / she:

- (a) is a member of the Working Party / Panel / Forum (or duly appointed substitute); or
- (b) has been permitted by the Working Party / Panel / Forum to speak; or
- (c) has placed the item on the agenda under Standing Order 35.1(d)



And for the avoidance of doubt, only a member of the relevant Working Party / Panel / Forum is permitted to vote on any item.

### **Proviso**

A Member who attends a Working Party / Panel / Forum, of which he or she is neither a member nor a duly appointed substitute, should sit apart from Working Party / Panel / Forum members and shall only be entitled to speak for a maximum of 5 minutes on any item.

### **Working Parties, Panels & Forums Meeting in Private**

**37.34** Subject to the interest rules in the Code of Conduct and the proviso set out below, a Member of the Council may only attend a meeting of a Working Party / Panel / Forum meeting in private but only if he / she:

- (a) is a member of the Working Party / Panel / Forum; or
- (b) has been permitted by the Working Party / Panel / Forum to attend (and the right to speak is also at the body's discretion); or
- (c) has placed an item on the agenda under Standing Order 35.1(d), in which case the Member can be present for that item and shall have the right to speak; or
- (d) can demonstrate a 'need to know' in respect of an item, in which case the Member can be present for that item, but has no right to speak.

And for the avoidance of doubt, only a member of a Working Party / Panel / Forum is permitted to vote on any item.

### **Proviso**

A Member who attends a Working Party / Panel / Forum, of which he or she is neither a member nor a duly appointed substitute, should sit apart from Working Party / Panel / Forum members and shall only be entitled to speak for a maximum of 5 minutes on any item.

### **The Mayor**

**37.4-5** The Mayor shall be entitled to attend any Committee or Sub-Committee (subject to the proviso in 37.2 above) and shall be entitled to speak but not vote.

## **38. Quorum at Committees, Working Parties, etc.**

**38.1** Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the total number of elected Members of the Committee are present, subject to not less than 3 elected Members being present in any case.

**38.2** The Quorum in respect of the Cabinet, Working Parties, Forums, Panels and other bodies shall be as set out in the Constitution and Terms of Reference of Cabinet, Committees etc (**Part 3 – Schedule 2**).

## **39. Reference Up of Decisions**

**39.1** This Standing Order applies where arrangements have been made for the discharge of a function of the authority by a Committee and the operation of such arrangements is now referred to as "the use of delegated powers". For the avoidance of doubt the procedure in this Standing Order applies to the Scrutiny Committees when considering called-in matters.

**39.2** Where a Committee has made a decision by the use of delegated powers and not fewer than the number of voting members as represents the smallest political group on the relevant Committee, immediately



## 5. Conferring an Advantage or Disadvantage

You must:

- (a) 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;
- (b) When using or authorising the use by others of the resources of the Authority:
  - (i) act in accordance with the Authority's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes);
- (c) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

## Members' Interests

### 6. Disclosable Pecuniary Interests<sup>1</sup>

6.1 You have a Disclosable Pecuniary Interest in any business of the Authority if it is of a description set out in 6.2 below and is either:

- (a) An interest of yours; or
- (b) An interest (of which you are aware) of a spouse, civil partner or a person you are living with as a spouse or civil partner (known as "Relevant Persons").

6.2 A Disclosable Pecuniary Interest is an interest which relates to or is likely to affect:

- (i) Any employment, office, trade, profession or vocation carried on by you or a Relevant Person for profit or gain;
- (ii) Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your 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;
- (iii) Any contract for goods, services or works which has not been fully discharged made between you or a Relevant Person ~~and the Authority~~ (or a body in which you or they have a beneficial interest) and the Authority; X
- (iv) A beneficial interest in any land in the Authority's area;
- (v) A licence of any land in the Authority's area (alone or jointly with others) that you or a Relevant Person occupy for a month or longer;
- (vi) Any tenancy where to your knowledge:
  - (a) the landlord is the Authority; and
  - (b) the tenant is a body in which you or a Relevant Person has a beneficial interest;

<sup>1</sup> The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 set out the pecuniary interests specified for the purposes of Chapter 7 of Part 1 Section 30(3) of the Localism Act 2011.