

**MANCHESTER CITY COUNCIL  
REPORT FOR RESOLUTION**

**DATE:** 11 July 2007

**SUBJECT:** Revised Model Code of Conduct for Local Authority Members

**REPORT OF:** The City Solicitor

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**PURPOSE OF REPORT:**

To report on:

1. the revised model code of conduct for local authority members which came into force on 3 May 2007 ("the Revised Code"); and
2. proposals for the City Council to adopt the Revised Code in place of the existing code of conduct for local authority members ("the Existing Code").

**RECOMMENDATIONS:**

1. To note the provisions of the Revised Code and that the City Solicitor has invited all members and co-opted members to attend one of the briefing sessions on the Revised Code.
2. To approve the following recommendations of the Standards Committee as a resolution of the City Council:
  - (i) that the City Council adopt the Revised Code set out at Appendix A to this report in place of the Existing Code (including as a preamble the ten general principles governing the conduct of members);
  - (ii) that the City Council instruct the City Solicitor to:
    - (a) provide all members and co-opted members with a copy of the Revised Code and, where appropriate, a written declaration undertaking to observe its provisions following adoption in place of the Existing Code;
    - (b) notify all members and co-opted members of the requirement to renew their registrations of interests;
    - (c) notify the Standards Board for England when the City Council has adopted the Revised Code and provide them with a copy of it; and

- (d) publish a notice in a local newspaper stating that the City Council has adopted the Revised Code detailing where copies are available for public inspection and ensure copies are available for inspection.
- (iv) that the City Council delegate to the City Solicitor authority to make the amendments to the Constitution referred to in the report and those set out in Appendix B together with any further consequential amendments following adoption of the Revised Code.
- (v) that the City Council recommend that the City Solicitor develop a protocol setting out the City Council's reasonable requirements that members must comply with before making any confidential disclosure.

**FINANCIAL CONSEQUENCES FOR REVENUE BUDGET:**

None

**FINANCIAL CONSEQUENCES FOR CAPITAL BUDGET:**

None

**WARDS AFFECTED:**

All

**IMPLICATIONS FOR:**

<b>Antipoverty</b>	<b>Equal Opportunities</b>	<b>Environment</b>	<b>Employment</b>
No	No	No	No

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**BACKGROUND DOCUMENTS:**

Reports to the Standards Committee on 17 May 2005, 12 September 2005, 15 January 2007, 5 March 2007 and 25 June 2007  
 Report to the City Council on 16 May 2007  
 The Local Authorities (Model Code of Conduct) Order 2007

**APPENDICES**

Appendix A: the Revised Code  
 Appendix B: amendments to the Constitution

## Background

1. The Local Government Act 2000 (“LGA 2000”) required all local authorities to adopt a code of conduct for members. All members and co-opted members are required to agree in writing that they will observe the code and it is the personal responsibility of members to abide by it. In early 2007 the Department for Communities and Local Government (“DCLG”) consulted on a draft revised code of conduct for local authority members. On 5 March 2007 members of the Standards Committee considered the proposed changes and authorised the City Solicitor to respond to the consultation paper. The response was sent to the DCLG on 9 March 2007.
2. The Local Authorities (Model Code of Conduct) Order 2007 (“the Order”), which came into force on 3 May 2007, prescribes a revised model code of conduct (“the Revised Code”) set out in the Schedule to the Order. The City Council was advised on 16 May 2007 that the Local Government Act 2000 requires local authorities to adopt the mandatory provisions of the Revised Code by 1 October 2007. If the City Council fails to adopt the Revised Code by that date, its mandatory provisions will automatically apply to members until the City Council adopts its own code. Once adopted the Revised Code will replace the City Council's existing Local Code of Conduct for members (“the Existing Code”) which came into effect on 3 April 2002 and which forms Part 6 of the City Council’s Constitution. The Existing Code will continue to apply to members until the City Council adopts the Revised Code or until 1 October 2007, whichever is the soonest. Any allegations of misconduct taking place prior to adoption of the Revised Code will be considered in accordance with the Existing Code.

## Amendments to the Code

3. The following provisions of the Revised Code remain the same as those of the Existing Code:
  - (i) **obligation to treat others with respect** (paragraph 3(1) of the Revised Code);
  - (ii) **not to do anything which compromises the impartiality of officers of the City Council** (paragraph 3(2)(d) of the Revised Code);
  - (iii) **not to prevent another person from gaining access to information to which that person is entitled to by law** (paragraph 4(b) of the Revised Code); and
  - (iv) **not to use the position as a member improperly to secure an advantage for the member or any other person** (paragraph 6(a))

of the Revised Code) except that the provision is widened to include “attempt to use” the position.

4. The former **whistleblowing obligation** under paragraph 7 of the Existing Code requiring members to report suspected breaches of the code of conduct by fellow members has been removed.
5. The changes to the Revised Code are:
  - (i) paragraph 3(2)(a) **complying with equality laws**. The unlawful discrimination provision of the Existing Code has been replaced by a duty not to do anything that may cause the City Council to breach its statutory duties under equality laws (including anti-discrimination laws). Under the equality laws, City Council is liable for discriminatory acts which a member commits in their official capacity. As a result of this change, discriminatory behaviour can now be dealt with through the Revised Code;
  - (ii) new provisions in paragraphs 3(2)(b) and 3(2)(c) prohibit:
    - (a) **bullying of any person** (including another member, council officer, or member of the public). Bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour and can be contrasted with legitimate challenges which a member can make in challenging policy or scrutinising performance; and
    - (b) **intimidation of any person likely to be involved in a local investigation or hearing** (including a complainant, witness or officer involved in the investigation);
  - (iii) paragraph 4(a) contains the prohibition on **disclosing confidential information**. This has been further qualified to allow disclosure of confidential information where:
    - (a) the disclosure is made to a third party for the purpose of obtaining professional advice provided that person agrees not to disclose it; or
    - (b) the disclosure is reasonable and in the public interest, made in good faith, and does not breach the reasonable requirements of the authority.

The Standards Board for England’s (“SBE”) guidance outlines in greater detail the considerations to be met in satisfying the provisions of 6(iii)(b) including raising concerns through appropriate

channels and seeking advice. The SBE expects to see that a member has followed these before any disclosure is made. The SBE envisages that local authorities will develop a protocol setting out the City Council's reasonable requirements that members must comply with before making any confidential disclosure. The Standards Committee at its meeting on 25 June 2007 recommended that the City Solicitor develop a protocol setting out the City Council's reasonable requirements that members must comply with before making any confidential disclosure following adoption of the Revised Code;

- (iv) **private conduct** - currently Part 3 of the Local Government Act 2000 has been interpreted to prevent any code of conduct for local authority members being enforced in relation to conduct outside of the performance of an individual's function as a member. However, following the enactment of the Local Government and Public Involvement in Health Bill which proposes to reinstate the situation prior to the decision in the Livingstone v Adjudication Panel for England 2006, the Revised Code will apply where criminal activity has been committed in a private capacity in relation to paragraphs 3(2)(c) intimidation of any person likely to be involved in a local investigation or hearing; 5 bringing a member's office or authority into disrepute and 6(a) using a member's position improperly to secure an advantage for the member or any other person;
- (v) paragraph 6(b)(i), (b)(ii) and 6(c), **use of the City Council's resources**. The Revised Code clarifies that use of resources for improper political purposes includes party political purposes and extends the prohibition to include a requirement for the member to have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986;
- (vi) paragraph 8(1)(a), **list of personal interests**. This paragraph brings together the different types of personal interest that were previously set out in paragraphs 8, 14 and 15 of the Existing Code. The list is virtually identical to the list previously contained in paragraph's 14 and 15. Two of the main differences are that gifts or hospitality over the value of £25 together with details of their source must now be included in the member's register of interests rather than in the register of gifts and hospitality. This means that this personal interest must now be declared at any meeting where a matter relating to the interest is discussed and for a period of 3 years from the date of its registration. Previously the obligation was to notify the Monitoring Officer of the interest rather than to publicly register and disclose it at meetings. The threshold at which shareholdings need to be disclosed in relation to family members is

£25,000 as opposed to £5,000 and it has been clarified that the requirement in paragraph 15 of the Existing Code to register membership of a company (i.e. even where the member only holds one share) only relates to bodies exercising functions of a public nature; directed to charitable purposes or one of whose principal purposes includes the influence of public opinion or policy;

- (vii) Paragraph 8(1)(b), the **definition of a personal interest** has been altered. A personal interest is one which affects you, your family or people with whom you have a close personal association (previously this was “relative or friend”) more than the majority of people in the ward or electoral division affected by the decision. Consequently, interests that are shared with a majority of people in the ward or electoral division affected by the decision will not have to be declared;
- (viii) paragraph 9, **disclosure of personal interests**. This relates to dual-hatted members and those members appointed or nominated by the City Council to outside bodies. Where a matter that affects the other body is being discussed at a meeting of the authority, these members will not be required to declare that they have a personal interest in the matter unless they wish to speak on the matter or where the personal interest is also a prejudicial interest;
- (ix) paragraph 10, **prejudicial interests** now only arise if a matter affects a member, their family, their close personal associate or relevant body in the following ways:
  - (a) it relates to their finances or concerns regulatory functions such as licensing or planning which affect them; and
  - (b) a reasonable member of the public with knowledge of the facts would believe their ability to judge the public interest would be impaired.

This is a substantial limitation on the definition of a prejudicial interest because it means that only where the matter falls within this list it gives rise to a potentially prejudicial interest. However the Revised Code does not alter the common law rules of bias or predetermination which if breached may open the decision to judicial review;

- (x) **attendance at meetings with a prejudicial interest** - even where members have a prejudicial interest, the Revised Code supports their role as a community advocate and enables them, in certain circumstances, to represent the community and to speak on issues important to it and to the member, redressing the position in the

Richardson case. Paragraph 12(2) of the Revised Code gives members with a prejudicial interest in a matter the same rights as members of the public to speak to a meeting on the matter. However, once they have done so, the member must immediately leave the meeting room and cannot remain in the public gallery to observe the vote on the matter. The rights of the public to attend meetings is governed by the City Council's Constitution. The City Council's access to information procedures in part 4 of the Constitution allow the public to attend all meetings of the City Council subject to certain exemptions for example where they are excluded because the subject matter of the meeting is confidential or exempt information. Where the public has either a statutory right to speak or is allowed to speak at the discretion of the Chair of the meeting, a member will have the same rights to present a case and answer questions but then must withdraw from any consideration and determination of the matter. Implementation of this provision will require some minor amendments to the constitution in order to revise the existing rules concerning members with a prejudicial interest. The amendments that have been identified are set out in Appendix B. At its meeting on 25 June 2007, the Standards Committee recommended that the City Council delegate to the City Solicitor authority to make any consequential amendments to the Constitution following adoption of the Revised Code;

- (xi) paragraph 11, **prejudicial interests relating to overview and scrutiny committees**. This provision has been amended to provide that a member will only have a prejudicial interest if they were actually present when the original decision was made. The purpose of this is to ensure that a member does not scrutinise their own decision. The City Solicitor will amend the constitution to reflect the provisions of the Revised Code and the provisions of section 21(13) of the Local Government Act 2000 enabling members of the Executive to attend the overview and scrutiny meeting to explain the reasons for the decision and to respond to comments made at the meeting; and
- (xii) paragraph 14, **sensitive information**. Members are exempt from including sensitive information on the register of interests and from providing details about the nature of the interest when they declare it. Sensitive information includes sensitive employment or an interest likely to create a serious risk of violence or intimidation to the member or those living with them (for example employment in an animal testing organisation).

## **Preparation for Adoption of the Revised Code**

6. At the meeting of the City Council on 16 May 2007, the City Solicitor advised members that it is their personal responsibility to comply with the Revised Code and invited all members and co-opted members to attend a briefing session on the Revised Code to assist them in fully understanding their obligations. Briefing sessions are taking place on 11 July at 2 pm; 27 July at 10 a.m. and 27 July at 2 p.m. in Committee Room 1. Members were asked to contact Democratic Services to advise which session they would be attending. At the request of members, Democratic Services will also be arranging an evening briefing session and details will be provided.

## **Adopting the Revised Code**

7. Once adopted the Revised Code will replace the Existing Code in its entirety. Any allegations of misconduct prior to adoption of the Revised Code, will continue to be judged in accordance with the Existing Code. A copy of the Revised Code is attached at Appendix A. At its meeting on 25 June 2007 the Standards Committee recommended that, having been offered briefing sessions on the Revised Code, members adopt it at the next meeting of the City Council on 11 July 2007.
8. The SBE states in its guidance that it is important that the Revised Code is adopted in its model form without amendment as this will give certainty to members and to the public as to what standards are expected and to ensure consistency throughout local authorities. In view of this, it is proposed that the only changes to be made to the model form are to replace the word "authority" with "Manchester City Council" and delete subparagraph's 8(1)(b)(ii) and (iii) which relate to the Greater London Authority and authorities without electoral divisions or wards.
9. The SBE recommends that local authorities include a preamble to the Revised Code outlining the ten general principles governing the conduct of local authorities. These principles define the standards that members should uphold and serve as a reminder of the purpose of the Revised Code. The principles do not create a statutory obligation for members, however failure to follow them may indicate behaviour that could potentially breach the Revised Code, for example if a member places themselves in a situation where their honesty and integrity may be questioned, their conduct may be reasonably regarded as bringing their office or authority into disrepute (paragraph 5 of the Revised Code).
10. Apart from those members who following the election in 2007 signed a new declaration of acceptance of office, all other members will have to give a new undertaking to observe the Revised Code as their current undertaking

is to observe the Existing Code. The Standards Committee recommended that the City Council instruct the City Solicitor to provide all members and co-opted members with a copy of the Revised Code together with a new undertaking for them to sign when the Revised Code is adopted.

11. There are no transitional provisions to carry forward existing registrations of members' interests, therefore all members are required to make a new registration of interests within 28 days of the date on which the City Council adopts the Revised Code. The Standards Committee recommended that the City Council instruct the City Solicitor to provide all members and co-opted members with a copy of their current register of interests and a new copy for them to complete and return to Committee Services within 28 days of the date of the City Council adopting the Revised Code.
12. Following the adoption of the Revised Code the City Council must:
  - (i) send notification to the SBE of the adoption together with a copy of the Revised Code;
  - (ii) ensure that copies of the revised Code are available for inspection by members of the public at an office of the City Council at all reasonable hours; and
  - (iii) publish a notice in a local newspaper stating that the City Council has adopted the Revised Code and detailing where copies are available for public inspection. The City Council can also publish the notice in its own newspaper but this cannot be the only notice that is published.

The Standards Committee recommended that City Council instruct the City Solicitor to make arrangements for this to be done.

**Manchester City Council Code of Conduct for Members**

**Preamble to the Code**

**Standards of Conduct for Members - the General Principles**

These general principles are based on the Seven Principles of Public Life set out by the Committee on Standards in Public Life. They are referred to at paragraph 1(2) of the Code of Conduct and define the standards that members should uphold. They serve as a reminder to both members and the public of the underlying principles of the Code of Conduct and provide a basis for the interpretation of its provisions. The principles do not create a statutory obligation for members, however failure to act in accordance with them may indicate behaviour that could potentially breach the Code of Conduct.

***Selflessness***

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

***Honesty and Integrity***

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

***Objectivity***

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

***Accountability***

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

***Openness***

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

***Personal Judgement***

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

### ***Respect for Others***

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

### ***Duty to Uphold the Law***

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

### ***Stewardship***

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

### ***Leadership***

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

# **Manchester City Council Code of Conduct for Members**

## **Introduction**

This is this code of conduct for Manchester City Council members ("this Code"). It includes all of the mandatory provisions of the revised model code of conduct<sup>1</sup> as required by the Local Government Act 2000 (LGA 2000). This Code governs the conduct expected of members and co-opted<sup>2</sup> members of Manchester City Council. Any reference to members includes co-opted members.

All members are required to agree in writing that they will observe this Code and must note that it is the personal responsibility of members to comply with it. Members should ensure they fully understand the provisions of this Code. Advice can be obtained from the monitoring officer, the Standards Committee or from members' own legal advisors.

## **Part 1 - General provisions**

### **Introduction and interpretation**

1. (1) This Code applies to you as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of the Code.
- (4) In this Code:  
  
"meeting" means any meeting of:
  - (a) Manchester City Council;
  - (b) the Executive of Manchester City Council;
  - (c) any of Manchester City Council or its Executive's, committees, sub-committees, joint committees, joint sub-committees, or area committees;  
"member" includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to Manchester City Council's monitoring officer and standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district

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<sup>1</sup>The Local Authorities (Model Code of Conduct) Order 2007

<sup>2</sup>Co-opted members shall have the meaning prescribed in S49 (7) of the Local Government Act 2000.

council or unitary county 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 the Code whenever you:
  - (a) conduct the business of Manchester City 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 Manchester City Council,and references to your official capacity are construed accordingly.
- (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 Manchester City Council:
  - (a) on another relevant authority<sup>3</sup>, 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 Manchester City Council's Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

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<sup>3</sup> Relevant authority is defined in Section 49(6) of the LGA 2000 and includes all principal councils, parish and community councils, fire, police, emergency, planning, waste and other joint authorities.

## General obligations

3. (1) You must treat others with respect.
  - (2) You must not:
    - (a) do anything which may cause Manchester City 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 his or her authority's code of conduct; or
    - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, Manchester City Council.
  - (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.
4. You must not:
    - (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 Manchester City 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 authority into disrepute.
- 6.** You:
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
  - (b) must, when using or authorising the use by others of the resources of Manchester City Council:
    - (i) act in accordance with Manchester City 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) Manchester City Council's chief finance officer; or
  - (b) Manchester City Council's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by Manchester City Council.

## **Part 2 - Interests**

### **Personal interests**

8. (1) You have a personal interest in any business of Manchester City Council 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 Manchester City 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<sup>4</sup>, 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 Manchester City 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 Manchester City 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 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;

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<sup>4</sup> See 3 above

- (ix) any land in Manchester City Council's area in which you have a beneficial interest;
  - (x) any land where the landlord is Manchester City 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 Manchester City 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:
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
  - (ii) ...
  - (iii) ...
- (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 Manchester City Council and you attend a meeting of Manchester City 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 Manchester City 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 Manchester City 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.
- (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 Manchester City 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.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of Manchester City Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

### **Prejudicial interest generally**

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of Manchester City 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 Manchester City 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 Manchester City Council in respect of:
  - (i) housing, where you are a tenant of Manchester City Council provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iv) an allowance, payment or indemnity given to members;
  - (v) any ceremonial honour given to members; and
  - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

### **Prejudicial interests arising in relation to overview and scrutiny committees**

- 11.** You also have a prejudicial interest in any business before an overview and scrutiny committee of Manchester City 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 Manchester City Council's executive or another of Manchester City Council's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

### **Effect of prejudicial interests on participation**

- 12.** (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of Manchester City 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 Manchester City Council's standards committee;

- (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of Manchester City Council, you may attend a meeting (including a meeting of the overview and scrutiny committee of Manchester City Council or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### **Part 3 Registration of Members' Interests**

#### **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 Manchester City Council; or
  - (b) your election or appointment to office (where that is later),
- register in Manchester City 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 Manchester City 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 new personal interest or change by providing written notification to Manchester City 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 Manchester City 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 Manchester City Council's monitoring officer asking that the information be included in Manchester City 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.

## Alterations to the Council's Constitution to accommodate the new Code of Conduct for Members

Consequential amendments to reflect the provisions of the Revised Code.

### 1. Part 4

- (i) **Executive Procedure Rules 2.4(ii)** to now read  
“declaration of interests, if any, subject to the provisions in paragraph 9(2) of the City Council's Code of Conduct set out in Part 6 of the Constitution relating to dual-hatted members”;
- (ii) **Overview and Scrutiny Procedure Rules 16(a)(ii)** to now read “declarations of interest (including whipping declarations) subject to the provisions in paragraph 9(2) of the City Council's Code of Conduct set out in Part 6 of the Constitution relating to dual-hatted members.”

### 2. Part 6

- (i) **Planning Protocol – Introduction 1** to replace “issued by the secretary of state in November 2001” with “that came into force on 3 May 2007.”;
- (ii) **Planning Protocol – Declaration of Interests 13** to insert at the end “In accordance with paragraph 9(2) of the Council's Code of Conduct disclosure of an interest will not be required where dual-hatted members have an interest relating to the other body being discussed at the meeting unless the interest is a prejudicial interest or the member addresses the meeting on that business.”
- (iii) **Planning Protocol – Declaration of Interests 14** to insert after “A Member... has a prejudicial interest if” the following: “it relates to their or a relevant person or body's finances or concerns regulatory functions such as licensing or planning which affect them or a relevant person or body and”;
- (iv) **Planning Protocol – Declaration of Interests 15** to now read “Subject to the provisions of paragraph 12(2) of the Code of Conduct, a Member with a prejudicial interest in a matter will have the same rights to speak on the matter as members of the public (as set out in Part 1 Article 3 of this Constitution). However, having spoken the Member must immediately withdraw from the meeting room and cannot remain in the public gallery to observe the consideration of, or vote on the matter.”;
- (v) **Gifts and Hospitality – Guidance to Members -**
  - General Introduction to include the words “for inclusion in the register of members' interests. It is a breach of the Code of Conduct to fail to notify the Monitoring Officer of a personal interest.” after “over the value of twenty five pounds”.

- 3. Notifications to include the words “of members interests” after the word “register”; and
- 4. The register to replace the words “The register referred to in this protocol” with the words “The register of interests” and to delete the words “of gifts and hospitality in excess of twenty five pounds should”;