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Election of Councillors for the Isle Of Wight Council Nomination Paper Pack

Please find enclosed a Nomination Paper pack as requested. The pack contains the following items:

- Nomination Paper
- Consent to Nomination
- Appointment of an Election Agent form
- Political Party Certificate of Authority and Emblem Request form
- Election Timetable
- Section 80 Local Government Act 1972
- Declaration of Secrecy
- Candidate Guide
- Notice of Withdrawal
- Notice of Appointment of Polling Agents
- Notice of Appointment of Counting Agents
- Notice of Appointment of Agents to attend the Opening of Postal Voters' Ballot Box
- Code of Conduct

To be a candidate at the above election the nomination paper and consent to nomination must be delivered to the Returning Officer, County Hall, Newport, Isle of Wight, PO30 1UD **by 4:00pm on Thursday, 7 May 2009.**

Please ensure that all sections of submitted forms are fully completed, including the name of the Electoral Division for which you are nominated, and the Electoral Numbers of your Proposer, Secunder and Assentors.

If you require any further information or assistance, please do not hesitate to contact me.

Yours sincerely

Clive Joynes
Deputy Returning Officer

List of the 39 Isle of Wight Council Electoral Divisions

Arreton and Newchurch
Binstead and Fishbourne
Brading, St Helens and Bembridge
Carisbrooke
Central Wight
Chale, Niton and Whitwell
Cowes Medina
Cowes North
Cowes South and Northwood
Cowes West and Gurnard
East Cowes
Freshwater North
Freshwater South
Godshill and Wroxall
Havenstreet, Ashley and Haylands
Lake North
Lake South
Nettlestone and Seaview
Newport Central
Newport East
Newport North
Newport South
Newport West
Parkhurst
Ryde East
Ryde North East
Ryde North West
Ryde South
Ryde West
Sandown North
Sandown South
Shanklin Central
Shanklin South
Totland
Ventnor East
Ventnor West
West Wight
Whippingham and Osborne
Wootton Bridge

Nomination Paper

Isle of Wight

Office Use Only

Time delivered	Date delivered	No of Nomination Paper in order of delivery	Initials

ELECTION OF A COUNCILLOR

for

(insert division name) _____

Electoral Division

Date of Election: Thursday, 4th June 2009

We the undersigned, being local government electors for the said Electoral Division, do hereby nominate the under-mentioned person as a candidate at the said election.

PLEASE COMPLETE IN CAPITALS (except where a signature is required)

Candidate's surname	Other forename(s) in full	Commonly used surname (if any)	Commonly used forenames (if any)	Description (if any) use no more than 6 words	Home Address in full

Title		Email Address		Telephone	
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	Signature	Print Name as Signed	Electoral Number	
			Polling District Letters	Number
Proposer				
Secunder				
We the undersigned, being local government electors for the said Electoral Division, do hereby assent to the foregoing nomination				
1				
2				
3				
4				
5				
6				
7				
8				

Notes

- The attention of candidates and electors is drawn to the rules for filling up nomination papers and provisions relating to nomination papers contained the election rules in Schedule 3 to the Local Election (Principle Areas) Rules 2006.
- Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
- Where a candidate commonly uses a name which is different from any other name they have, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper. But the ballot paper will show the other name if the Returning Officer thinks that the use of the commonly used name may
 - be likely to mislead or confuse electors, or
 - that the commonly used name is obscene or offensive.
- The description, if any, can only be
 - one certified as an authorised or registered description as mentioned in rule 5 of the election rules or
 - the word 'Independent'.
- An elector may not -
 - subscribe more nomination papers than there are vacancies to be filled in the electoral area in which the election is held; or
 - subscribe a nomination paper for more than one Electoral Division in the same County.
- In this form 'elector' -
 - means a person who is registered in the register of local government electors for the Electoral Division in question on the last day for the publication of notice of election; and
 - includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.
- However, a person who has an anonymous entry in the register of local government electors cannot nominate a candidate for election.

Candidate's Consent to Nomination

(To be given on or within one month before the last day for delivery of nomination papers, and delivered at the place and within the time appointed for delivery of nomination papers)

Election of a Councillor

for

(insert division name) _____

Electoral Division

Isle of Wight

Date of Election: Thursday, 4 June 2009

I, *(name in full)*

Of *(home address in full)*

hereby consent to my nomination as a candidate for election as a Councillor for _____
(insert division name) Electoral Division.

I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Community, who has attained the age of 18 years and that

* (a) I am registered as a local government elector for the administrative area of the County in respect of *(qualifying address in full)*

and my electoral number *(see note below)* is _____ ; or

* (b) I have during the whole of the twelve months preceding that day or those days occupied as owner or tenant of the following land or other premises in that area *(description and address of land or premises)*

_____ ; or

* (c) my principal or only place of work during those twelve months has been in that County at *(give address of place of work and, where appropriate, name of employer)*

_____ ; or

* (d) I have during the whole of those twelve months resided in that area at *(give address in full)*

* *delete whichever is inappropriate, (but you can include all those that apply)*

I declare that to the best of my knowledge and belief I am not disqualified from being elected by reason of any disqualification set out in Section 80 of the Local Government Act 1972, or any decision made under section 79 of the Local Government Act 2000, [copies of which sections are printed overleaf], and I do not hold a politically restricted post, within the meaning of Part I of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.

Date of Birth: _____

Signed: _____

Date of Consent: _____

Signed in my presence

Signature of witness: _____

Name and address of witness (PLEASE PRINT)

NOTES: 1. A person's electoral number is his number in the register to be used at the election (including the distinctive letters of the parliamentary polling district in which he is registered).
2. A candidate who is qualified by more than one qualification may complete any of those that may apply.

Local Government Act 1972

Section 80. - Disqualifications for election and holding office as a member of local authority

- (1) Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority if he –
 - (a) holds any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive) appointments to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a joint committee or National Park authority on which the authority are represented or by any person holding such office or employment; or
 - (b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors; or
 - (c) ...
 - (d) has within five years before the day of election or since his election has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
 - (e) is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983 or under the Audit Commission Act 1998.
- (2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of –
 - (a) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or
 - (b) a joint board, joint authority or joint committee on which the authority are represented and any member of which is so appointed;shall be disqualified for being elected or being a member of that other local authority.
- (2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes –
 - (a) One or more persons appointed on the nomination of the Authority Acting by the mayor, and
 - (b) One or more members of one or more London borough councils Appointed to the committee on the nomination of those councils shall be disqualified for being elected or being a member of any of those London borough councils.
- (2A) Subsection (2) above shall have effect as if the reference to a joint board included a reference to a national park authority.
- (2B) For the purpose of this section a local authority shall be treated as represented on a national park authority if it is entitled to make any appointment of a local of authority member of the National Park authority.
- (3) Teachers in a school maintained but not established by a local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school established by the authority.
- (4) ...
- (5) For the purposes of subsection (1) ... (d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the ... conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the ... conviction, as the case may be.

Words were omitted from subsection (1)(a) by the Local Government and Housing Act 1989 and the words in square brackets in that subsection were inserted by Schedule 10 to the Environment Act 1995; subsection (1)(b) was substituted by the Enterprise Act 2002; the words in square brackets in subsection (1)(c) were inserted by Schedule 3 to the Audit Commission Act 1998 and Schedule 8 to the 1983 Act; subsection (2) was amended by the Local Government Act 1985; subsection (2AA) was inserted by the Greater London Authority Act 1999; subsections (2A) and (2B) were inserted by Schedule 10 to the Environment Act 1995; subsection (4) was repealed by the Transport Act 1985 and the words omitted from subsection (5) were repealed by the Local Government Finance Act 1982.

Section 81. - Exception to provisions of section 80

- (1) ... (2) ... (3) ...
- (4) Section 80(2) and (3) above shall not operate so to disqualify –
 - (a) any person by reason of his being a teacher, or otherwise employed, in a school ... or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council;

Subsections (1) and (2) ceased to have effect from 1 April 2004 under section 267 of the Enterprise Act 2002; subsections (3) and (4)(b) were repealed by the Local Government Act 1985; and the words omitted from subsection (4)(a) were repealed by Schedule 13 to the Education Reform Act 1988.

Local Government Act 2000

Section 79. - Decisions of case tribunals

- (1) A case tribunal which adjudicates on any matter must decide whether or not any person to which that matter relates has failed to comply with the code of conduct of the relevant authority concerned.
- (2) Where a case tribunal decides that a person has not failed to comply with the code of conduct of the relevant authority concerned, it must give notice to that effect to the standards committee of the relevant authority concerned.
- (3) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned, it must decide whether the nature of the failure is such that the person should be suspended or disqualified in accordance with subsection (4).
- (4) A person may be-
 - (a) suspended or partially suspended from being a member or co-opted member of the relevant authority concerned, or
 - (b) disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority.
- (5) Where a case tribunal makes such a decision as is mentioned in subsection (4)(a), it must decide the period for which the person should be suspended or partially suspended (which must not exceed one year or, if shorter, the remainder of the person's term of office).
- (6) Where a case tribunal makes such a decision as is mentioned in subsection (4)(b), it must decide the period for which the person should be disqualified (which must not exceed five years).
- (7) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned but should not be suspended or disqualified as mentioned in subsection (4), it must give notice to the standards committee of the relevant authority concerned-
 - (a) stating that the person has failed to comply with that code of conduct, and
 - (b) specifying the details of that failure.
- (8) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be suspended or partially suspended as mentioned in subsection (4)(a), it must give notice to the standards committee of the relevant authority concerned-
 - (a) stating that the person has failed to comply with that code of conduct,
 - (b) specifying the details of that failure, and
 - (c) stating that the person must be suspended or partially suspended by the relevant authority concerned for the period, and in the way, which the tribunal has decided.
- (9) A relevant authority must comply with any notice given to its standards committee under subsection (8).
- (10) Where a case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be disqualified as mentioned in subsection (4)(b), it must give notice to the standards committee of the relevant authority concerned-
 - (a) stating that the person has failed to comply with that code of conduct,
 - (b) specifying the details of that failure, and
 - (c) stating that the person is disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority for the period which the tribunal has decided.
- (11) The effect of a notice given to the standards committee of a relevant authority under subsection (10) is to disqualify the person concerned as mentioned in subsection (10)(c).
- (12) A copy of any notice under this section-
 - (a) must be given-
 - (i) to the Standards Board for England, where the relevant authority concerned is in England,
 - (ii) to the Commission for Local Administration in Wales, where the relevant authority concerned is in Wales,
 - (b) must be given to any person who is the subject of the decision to which the notice relates, and
 - (c) must be published in one or more newspapers circulating in the area of the relevant authority concerned.
- (13) Where the person concerned is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in the same country (that is to say, England or Wales)-
 - (a) a copy of any notice under subsection (2), (7) or (10) must also be given to the standards committee of that other relevant authority,
 - (b) the references in subsections (4)(a) and (8)(c) to the relevant authority concerned are to be treated as references to that other relevant authority,
 - (c) the duty to give notice to the standards committee of the relevant authority concerned under subsection (8) is to be treated as a duty-
 - (i) to give that notice to the standards committee of that other relevant authority, and
 - (ii) to give a copy of that notice to the standards committee of the relevant authority concerned,
 - (d) the reference in subsection (12)(c) to the relevant authority concerned is to be treated as including a reference to that other relevant authority.
- (14) A case tribunal must take reasonable steps to inform any person who made any allegation which gave rise to the adjudication of the decision of the case tribunal under this section.
- (15) Where a case tribunal decides under this section that a person has failed to comply with the code of conduct of the relevant authority concerned, that person may appeal to the High Court against that decision, or any other decision under this section which relates to him.

Appointment of Election Agent

ELECTION OF A COUNCILLOR

for

(insert division name) _____ Electoral Division

Date of Election: Thursday, 4 June 2009

Candidate's Name	Candidate's Address

a candidate at the forthcoming election as shown above, hereby appoint:

Agent's Name				Home address in full		Election Office Address	
Mr	Mrs	Miss	Ms	Evening Phone		Day Phone	
Elector No.				Email Address			

as my election agent from this date until the return and declaration in respect of election expenses has been submitted.

The office address (as shown above) is the address to which all claims, notices, legal process and other documents may be sent.

Dated _____ **Signed** _____
Candidate at the election

I hereby accept the above appointment

Dated _____ **Signed** _____
Election Agent

NOTE

This form of appointment should be delivered to the Returning Officer at the place appointed for the delivery of nomination papers by the last time for delivery of notice of withdrawal of candidature, i.e. noon on Tuesday, 12 May 2009. If no such appointment is made by that time, the candidate shall be deemed at that time to act as his or her own election agent.

**POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT
REPRESENTATION OF THE PEOPLE ACTS**

**Election of a Councillor
for**

(insert division name) _____ Electoral Division

Date of Election: Thursday, 4 June 2009

You may **not** use a description which is likely to lead voters to associate you with a political party unless the description is authorised by a certificate issued by or on behalf of the party's registered nominating officer. You may only use an emblem if your description has been so authorised.

Registered Political Party Description - Certificate of Authority

In accordance with the Political Parties, Elections and Referendums Act I hereby certify that

_____ *name of candidate*
is the official candidate of

_____ *name of political party*
and may use the following description in their nomination paper

_____ *authorised description*
at the election in (insert division name) _____ Electoral
Division on Thursday, 4 June 2009.

Signed _____ Dated _____
registered nominating officer or authorised person

Name _____
(PLEASE PRINT)

Registered Political Party Emblem – Request*

I request that the party's registered emblem (or if there are more than one registered emblem**, specify which one) appear on the ballot paper against my name, described as follows

_____ **Description of emblem**

Signed _____ Dated _____
candidate

Name _____
(PLEASE PRINT)

Notes

* If this section is not completed a registered emblem of the party will not appear on the ballot paper against your name

** Where there is more than one registered emblem it would be helpful if the emblem requested to appear on the ballot paper is specified by reference to a representation of the emblem that accompanies this certificate.

Isle of Wight Council

Timetable of Proceedings for Thursday 4th June 2009

Publication of Notice of Election	Tuesday 28 April 2009
Receipt of Nominations	4:00pm on Thursday 7 May 2009
Publication of Statements of Persons Nominated	noon on Monday 11 May 2009
Withdrawal of Candidate	noon on Tuesday 12 May 2009
Appointment of Election Agents	noon on Tuesday 12 May 2009
Publication of Notice of Election Agents	Tuesday 12 May 2009
Last Date for Registration	Tuesday 19 May 2009
Receipt of Postal Vote Applications/Cancellations/Changes	} 5:00 pm Tuesday 19 May 2009
Receipt of Amendments to Existing Proxy Votes	
Publication of Notice of Poll	Wednesday 27 May 2009
Receipt of New Proxy Vote Applications	5:00 pm Wednesday 27 May 2009
Appointment of Poll and Count Agents	Thursday 28 May 2009
First Day to Issue Replacement Lost Postal Ballot Papers	Friday 29 May 2009
Receipt of Emergency Proxy Vote Applications	5:00 pm Thursday 4 June 2009
Last Day to Issue Replacement Spoilt or Lost Postal Ballot Papers	5:00 pm Thursday 4 June 2009
Day of Poll	7:00 am to 10:00 pm Thursday 4 June 2009
Declaration of Candidates Expenses	Friday 10 July 2009

DECLARATION OF SECRECY ELECTION OF COUNCILLORS

To persons attending at the taking of the poll or the counting of votes at this election

Your attention is drawn to the provisions of Section 66, sub-section (1), (2), (3) and (6) of the Representation of the People Act 1983, which are set out below.

These provisions concern the maintaining of secrecy of the voting and should be read carefully before you attend at any polling station or at the counting of the votes.

REPRESENTATION OF THE PEOPLE ACT, 1983 Section 66, sub-sections (1), (2), (3) and (6)

1. The following persons:-
 - (a) every Returning Officer and every Presiding Officer or clerk attending at a polling station;
 - (b) every candidate or election agent or polling agent so attending; shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to -
 - (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
 - (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
 - (iii) the official mark.
2. Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not -
 - (a) ascertain or attempt to ascertain at the counting of the votes the number on the back of any ballot paper;
 - (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.
3. No person shall -
 - (a) interfere with or attempt to interfere with a voter when recording his vote;
 - (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
 - (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to a voter at that station;
 - (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.
6. If any person acts in contravention of this section, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding six months.

Guidance for candidates and agents: Elections on 4th June 2009

This is the full guidance for potential candidates standing in the local elections this June. It includes both financial and non-financial guidance. It can be found on the Electoral Commission's website at:

<http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections/local-government-elections-in-england>

Further information on these elections is available on the Isle of Wight Council website, [iwight.com](http://www.iwight.com) at:

<http://www.iwight.com/election2009/>

Hard copies of the full guidance may also be obtained from:

Electoral Services
Isle of Wight Council
County Hall
Newport
Isle of Wight
PO30 1UD

01983 823342

electoral.services@iow.gov.uk

Notice of Withdrawal of Candidature

ELECTION OF A COUNCILLOR

for

(insert division name) _____ Electoral Division

Date of Election: Thursday, 4 June 2009

I, _____
candidate's name

of _____
candidate's full address

hereby withdraw my candidature from the above election.

Dated _____ **Signed** _____
Candidate

Witnessed by:

Name and address
of witness _____

Dated _____ **Signed** _____
Witness

NOTE

This Notice of Withdrawal should be delivered to the Returning Officer at the place appointed for the delivery of nomination papers by noon on Tuesday, 12 May 2009.

Isle of Wight
Election of a Councillor for

(insert division name) _____ Electoral Division

Date of Election: Thursday 4 June 2009

Notice of appointment of Polling Agent(s)

I, _____
Name of Election Agent

an Election Agent for _____
Name of Candidate

who is a candidate at the above mentioned election wish to appoint the following people as
Polling Agents to attend on my behalf at

_____ Polling Station
Name of Polling Station

Name of Polling Agent(s)	Elector No.	Address(es)

Dated this _____ day of _____ 2009

Signed _____
Election Agent

Notes

- This notice must be delivered to Returning Officer, County Hall, Newport, Isle of Wight not later than **Thursday 28 May 2009**.
- Either the election agent or the candidate can make the appointments.
- *It would be helpful if the elector numbers were added but it is not essential*

Isle of Wight
Election of Councillor for

(insert division name) _____ Electoral Division

Date of Election: Thursday 4 June 2009

Notice of appointment of Counting Agent(s)

I, _____
Name of Election Agent

an Election Agent for _____
Name of Candidate

who is a candidate at the above mentioned election wish to appoint the following people as Counting Agents

Name of Counting Agent(s)	Elector No.	Address(es)
Candidate's Spouse/Partner	Elector No.	

Dated this _____ day of _____ 2009

Signed _____
Election Agent

Notes

- This notice must be delivered to Returning Officer, County Hall, Newport, Isle of Wight not later than **Thursday 28 May 2009.**
- Either the election agent or the candidate can make the appointments.
- *It would be helpful if the elector numbers were added but it is not essential*

Isle of Wight
Election of Councillor for

(insert division name) _____ Electoral Division

Date of Election: Thursday 4 June 2009

**Notice of appointment of Agent(s) to attend
the opening of the Postal Voters' Ballot Box**

I, _____
Name of Election Agent

an Election Agent for _____
Name of Candidate

who is a candidate at the above mentioned election wish to appoint the following people as Agents to attend the opening of the Postal Voters' Ballot Box.

Name of Agent(s)	Elector No.	Address(es)

Dated this _____ day of _____ 2009

Signed _____
Election Agent

Note

- This notice must be delivered to Returning Officer, County Hall, Newport, Isle of Wight not later than **the time designated for the opening of the Postal Voters' Ballot Box.**
- Either the election agent or the candidate can make the appointment.
- *It would be helpful if the elector numbers were added but it is not essential*

THE CODE OF CONDUCT

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 this Code.
- (4) In this Code—
- "meeting" means any meeting of—
- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority's 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 an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district 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 this Code whenever you—
- (a) conduct the business of your authority (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 your authority,
- 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 your authority—
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. — (1) You must treat others with respect.

(2) You must not—

- (a) do anything which may cause your authority 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, your authority.

(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 the authority; 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 your authority—
 - (i) act in accordance with your authority'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) your authority's chief finance officer; or
 - (b) your authority'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 your authority.

Part 2
Interests

Personal interests

8. — (1) You have a personal interest in any business of your authority where either—
- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority'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 your authority 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;
 - (ix) any land in your authority's area in which you have a beneficial interest;

- (x) any land where the landlord is your authority 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 the authority'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) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. — (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority 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 your authority 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 the authority 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 your authority'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 your authority 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 your authority 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 the authority 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 your authority in respect of—
 - (i) housing, where you are a tenant of your authority 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 your authority (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 your authority's executive or another of your authority'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 your authority—
- (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 your authority'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 your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority 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 your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority'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 your authority'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 your authority's monitoring officer.

Sensitive information

14. — (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority'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 your authority's monitoring officer asking that the information be included in your authority'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.

NOTE:

The Council has adopted its own local code for the registration of Gifts and Hospitality and this is attached set out on page 158. This local code must be followed.

TEN GENERAL PRINCIPLES OF PUBLIC LIFE

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – 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 – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

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

GIFTS AND HOSPITALITY - GUIDANCE NOTE TO STAFF AND MEMBERS

Introduction

1. The public are entitled to demand of Local Government Officers and Members, conduct of a high standard. Public confidence in their integrity would be shaken were there the least suspicion that they could in any way be influenced by improper motives.
2. It is a serious criminal offence for officers or members to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in an official capacity. If an allegation is made in such circumstances, the burden of proof will fall upon the officer or member to show that they have not in any way been influenced by improper motives. For this reason it is most important for the Council to set clear guidance for all employees and members.
3. This new guidance which has been approved by the Council's Policy Committee and its Ethical Standards Committee, is intended to assist staff and Members in making a decision as to whether a gift or hospitality can be accepted. Staff will receive a copy of these rules and are being required to acknowledge receipt of them. Staff are reminded that breaches of the Code may result in disciplinary action and in serious cases, could result in dismissal. Members are reminded that a breach of this guidance may result in action against them through the Ethical Standards Committee.

Gifts

4. In general, gifts should be refused. A gift must not be accepted if it is offered by a person or organisation which has, or is seeking business with, the Council or one who has an interest in a Council decision.
5. In normal circumstances, only minor gifts of token value, such as promotional material, may be accepted. In some very special circumstances, (where, for example, visiting dignitaries are involved), refusal may cause unintentional offence and this should be taken into consideration.
6. More substantial gifts must not be accepted under any circumstances. These may include, for example, cash, vouchers, bottles or cases of wine or hampers. In such circumstances, the gift should be returned in a courteous manner accompanied if appropriate by the following or similar statement:

"Thank you for your kind offer of Unfortunately, the Council has a clearly defined policy on receiving gifts or hospitality and I am unable to accept it. I therefore return the gift."
7. For the purpose of consistency, it is not appropriate to accept gifts and to donate them to a charity.

8. If in doubt, staff should consult their Director before accepting any gift. Members should consult the Council's Monitoring Officer.

Legacies

9. Staff may not accept legacies from clients. If it becomes known to any employee that they are likely to benefit from a legacy made by a former or existing client, they must inform their Director as soon as possible. The Director will then consider what action to take and if necessary consult the Head of Paid Service and Monitoring Officer. If the beneficiary is also a relative of the former client, it is advisable that they notify their Director as soon as they are aware of the legacy in order to avoid any misinterpretation.

Hospitality

10. The same principles which apply to gifts apply to the offer and acceptance of hospitality. Generally, offers of hospitality must be declined. It must not be accepted when the offer of hospitality is made by any person or organisation seeking business or requiring a decision from the Council or where purchasing decisions may be potentially compromised.
11. Exceptions to this general rule are few, but it may be in order to accept offers of hospitality if there is a genuine need to impart information or to represent the Council's wider interest in the community. Staff may, for example, need to attend functions in support of local members. It may also be necessary to participate in a working lunch in order to foster a good working relationship with other organisations. These are examples, therefore, where the acceptance of modest forms of hospitality is acceptable.
12. The following criteria should be applied when deciding whether or not to accept offers of hospitality:
 - whether the nature of the hospitality is appropriate - tickets to a major sporting event must invariably be refused, but an invitation to an Island event which meets the criteria below may be appropriate.
 - whether the Council's interest is better served by attendance.
 - whether the scale of the hospitality is appropriate to the circumstance.
 - whether the hospitality is modest and can be considered as part of the normal business process to foster good relations.
 - whether the hospitality is offered by a person or organisation who is not tendering or about to tender for Council business.
 - whether members are attending an event which meets these criteria and it is appropriate that they are accompanied by an officer.
 - whether it is more appropriate to bear the expense oneself.
13. Any intention by members of staff to accept hospitality other than of a minor nature, must be authorised in advance by the relevant Director. In case of doubt, staff should consult their Director for guidance. In the case of Members, an appropriate declaration should be completed in advance of the hospitality being accepted. In the event of doubt, the Council's Monitoring Officer should be consulted for guidance.

14. If offers of hospitality are declined, those persons or organisations making the offer should be courteously informed of the procedures and standards operating within the Council with, if appropriate, the following or similar statement:

”Thank you for your kind offer of Unfortunately, the Council has a clearly defined policy on accepting gifts and hospitality and I am therefore unable to accept.”

15. Below are some examples of acceptable and unacceptable hospitality:

Acceptable

- modest working lunches provided that their purpose is to continue the work underway in the meeting.
- attendance in an official capacity at functions to which invitations have been sent to other local authorities

Unacceptable

- holidays or weekends away
- the use of a company flat or suite
- lunch with a developer who is applying for planning permission
- tickets to a theatre, concerts or sporting events which are offered in order to influence your decisions and which you would not attend in an official capacity

Recording of Gifts and Hospitality

16. Whether accepted or not, gifts and hospitality, or offers of them, must be recorded in each Directorate’s register maintained for such purposes. For members, the register is maintained by Committee Services. The Council has a prescribed format for the register (as set out in Appendix 1 to this guidance) which includes the following detail:

- employee’s/member’s name
- job title (if staff)
- name of company/organisation making the offer
- relationship with Council
- nature of gift/hospitality offered
- date offered
- whether declined or accepted.

17. Registers of gifts and hospitality will be reviewed at least monthly by the relevant Director. The Head of Paid Service will review the Register of Directors and the Monitoring Officer will review the Register of Members’ registrations. All such reviews will be evidenced by signature and date.

Legislation in relation to Gifts and Hospitality

18. An outline of the legislation applicable to the acceptance of gifts and hospitality by Council employees is given below.

i **Prevention of Corruption Acts 1889-1916**

Under the Prevention of Corruption Acts 1889-1916 it is an offence for any employee to solicit or accept any gift, loan, fee, reward or advantage for allowing themselves to be influenced in any way in their official capacity. Where an employee has been proved to have received any money, gift or other consideration from a person holding or seeking to hold a contract with the Council, corruption may be presumed unless the contrary is proved.

ii **Local Government Act 1972**

It is a criminal offence under Sub-section 2 of Section 117 for Council employees to accept any fee or reward other than their remuneration. An offender is liable on conviction to pay a fine.

REGISTER OF FINANCIAL AND OTHER INTERESTS

(i) NAME OF COUNCIL:

Under the Local Government Act 2000 it is a requirement for all Members to complete this register within 28 days of the adoption by the Council of the Code of Conduct. If your circumstances change you are required, with 28 days of the change, to submit written notification of the change to the Monitoring Officer/Clerk to the Council.

Name of Member.....

I set out below my interests under the various headings (please put "None" where appropriate):

Financial Interests:

1. I am employed or in business as:

2. a) The name of the person who employed or had appointed me is:

b) I am a partner in the firm of:

c) The names of companies that remunerate me as a director are:

3. The following (other than the Council) have made a payment to me in respect of my election or any expenses incurred by me in carrying out my duties:

4. I have a beneficial interest in a class of securities of the following corporate bodies that have a place of business or land in the authority's area that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body:

5. There are the following contracts for goods, services or works between the authority and myself or a firm in which I am a partner, a company of which I am a remunerated director, or a body of the description specified in sub-paragraph 4. above:

6. I have a beneficial interest in the following land which is in the area of the authority (Give address or other description sufficient to identify the location):

7. The address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which I am a partner, a company of which I am a remunerated director, or a body of the description specified in sub-paragraph 4. above is:

8. I have a licence (alone or jointly) to occupy for 28 days or longer the following land within the area of the authority (Give address or other description sufficient to identify the location):

Other Interests:

9. I am a member of or hold a position of general control or management in the following bodies to which I have been appointed or nominated by the authority as its representative:

10. I am a member of or hold a position of general control or management in the following:

- a. Public authorities or bodies exercising functions of a public nature:

- b. company, industrial and provident society, charity, or body directed to charitable purposes;

- c. body whose principal purposes include the influence of public opinion or policy;

- d. trade union or professional association.

Date:.....

Signed:.....

RECEIVED:

Date:.....

Signed:.....
(Monitoring Officer or his representative)

SAMPLE