



# C O U N C I L

All Members of the Council are  
**HEREBY SUMMONED**

to attend a meeting of the Council  
to be held on:

Wednesday, 24 January 2024 at 7.00 pm  
Hackney Town Hall,  
Mare Street, E8 1EA

Live stream link: <https://youtube.com/live/LlxJV57eHaw>

Back up link: <https://youtube.com/live/-gd50CQOEI4>

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Interim Chief Executive  
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[www.hackney.gov.uk](http://www.hackney.gov.uk)

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# MEETING OF COUNCIL

## WEDNESDAY, 24 JANUARY 2024

### ORDER OF BUSINESS

#### 1 Apologies for Absence

#### 2 Speaker's Announcements

#### 3 Declarations of Interest

Members are invited to consider the guidance which accompanies this agenda, having particular regard to the restrictions on voting for Members with [council tax arrears](#) and make declarations of interests as appropriate.

#### 4 Minutes of the Previous Meeting: Enclosed (Pages 19 - 54)

To consider the minutes of the meeting held on 29 November 2023: Enclosed

#### 5 Cazenove Results of the By-Election – Report of the Returning Officer and Interim Chief Executive: This report is **to follow** as the by-election date falls after the date of the agenda publication.

#### 6 Questions from Members of the Public

A member of the public who lives, works, or studies in the Borough can participate in Full Council meetings by asking a question.

The deadline for questions from members of the public is 12 noon, four clear working days before the meeting (Wednesday, 17 January) If you wish to submit a question you can do so by emailing [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk) or via the Council's website <https://hackney.gov.uk/ask-a-question/#fullcouncil>

A supplementary agenda setting out any public questions received after the publication of the main agenda will be circulated shortly after this deadline.

#### 7 Questions from Members of the Council

##### 7.1 From Cllr Binnie-Lubbock to the Mayor

Beloved soft-play small business Kidzmania has served Hackney children for over two decades. Before dropping objections to development of their Powell Road site, they were told they could return to a like-for-like space when completed. Will you work with Peabody to ensure a proper fit-out to accommodate this Hackney institution?

7.2 From Cllr Patrick to the Cabinet Member for Health, Adult Social Care, Voluntary Sector and Culture

Following years of Tory cuts on Adult Social Care and an increase in demand, can the Cabinet Member give examples of the challenges the Council is facing because of this, highlighting the overall effect of the past 13 years?

7.3 From Cllr Garbett to the Cabinet Member For Employment, Human Resources and Equalities

The UK has some of the longest working hours in Europe but one of the least productive economies. Does the administration agree with the data that suggests a four-day, 32 hour working week with no loss of pay would benefit Hackney Council, its employees, our local economy, society and environment?

7.4 From Cllr Lufkin to the Cabinet Member for Climate Change, Environment and Transport

The Council's Community Energy Fund has initiated the second round of funding to assist community organisations transition to net zero. Could the Cabinet Member confirm how community energy aligns with the overall energy and environmental objectives of the borough?

7.5 From Cllr Binnie-Lubbock to the Cabinet Member for Community Safety and Regulatory Services

Following several incidents of serious violence and tragic fatalities in the borough over the last months, what measures are the Council and its partners taking to ensure residents feel safe?

7.6 From Cllr Laudat-Scott to the Cabinet Member for Employment, Human Resources and Equalities

Does the Council have plans to transition from celebrating Black History Season to integrating Black history consistently into the year-round curriculum, events, and discussions, emphasising the importance of recognising Black contributions and experiences throughout the year?

7.7 From Cllr Garbett to the Mayor

To consolidate its first-in-the-country scheme for community parklets, can the Council confirm how many parklets have been constructed to date, and whether there are plans to make the process less onerous on applicants - to allow more diverse communities to participate?

7.8 From Cllr Turbet-Delof to the Cabinet Member for Health, Adult Social Care, Voluntary Sector and Culture

This year is Hackney Carnival, one of the most anticipated, inclusive, culturally diverse and vibrant events in the country. Can we hear updates on how communities, businesses and residents will be able to participate, apply

for available funds and make this another amazing year for our borough's carnival?

7.9 From Cllr Rathbone to the Deputy Mayor for Delivery, Inclusive Economy & Regeneration

Could the Deputy Mayor please let us know what is happening about The Tram Depot in Upper Clapton Road which has recently been put up for auction, and what the Council intends to do to ensure it is preserved, along with 25 businesses and 50 jobs?

7.10 From Cllr Joseph to the Cabinet Member for Finance, Insourcing and Customer Service

Following pressure from Hackney Council and London Councils, the Government uplifted Local Housing Allowance in the Autumn Statement. What is the Council doing to ensure the Government funds social housing and provides local authorities with the resources to ensure that local families can afford to stay in Hackney?

7.11 From Cllr Adejare to the Cabinet Member for Health, Adult Social Care, Voluntary Sector and Culture

As we continue to work to ensure the voices of our communities are amplified, can the Cabinet Member please advise how our grants funding ensures all communities, especially minoritised groups are supported in terms of accessing these funding streams to ensure their needs are reflected in Council activities?

7.12 From Cllr Premru to the Cabinet Member for Climate Change, Environment and Transport

Following the disruption and damage done to canal dwellers, homes, businesses and arts institutions following the heavy rain and flooding in Hackney Wick, can you confirm what support the Council provided for residents and what further measures we need to put in place to deal with future extreme weather conditions?

**8 Elected Mayor's Statement**

**9 Proposed Changes to the Council Tax Reduction Scheme** - Report of the Cabinet Member for Finance, Insourcing and Customer Service: Enclosed (Pages 55 - 106)

Members should be aware of the provisions of [Section 106 of the Local Government Finance Act 1992](#), which applies to all elected members

**10 Calculation of 2024/25 Council Tax Base and Local Business Rate Income** - Report of the Cabinet Member for Finance, Insourcing and Customer Service: This report is **to follow** due to the Government's recent introduction of changes to the Business Rates system, additional time is required to process information for inclusion in the report.

Members should be aware of the provisions of [Section 106 of the Local Government Finance Act 1992](#), which applies to all elected members

- 11 **Gender and Ethnicity Pay Gap 2023** - Report of the Cabinet Member for Employment, Human Resources and Equalities: Enclosed (Pages 107 - 130)
- 12 **Members' Allowances Scheme** -Report of the Interim Chief Executive: Enclosed (Pages 131 - 158)
- 13 **Licensing Committee Annual Report 2022/23** - Report of the Licensing Committee: Enclosed (Pages 159 - 176)
- 14 **Pensions Committee Annual Report 2022/23** - Report of the Pensions Committee: Enclosed (Pages 177-194)
- 15 **Confirmation of Political Proportionality and Appointments to Committees and Commissions** - Report of the Acting Director of Legal, Governance and Electoral Services: Deferred to February's meeting.
- 16 **Motions**
- 16a **Green Motion – Defending Our Democratic Rights**

**This Council notes that:**

- On 2 May 2023 the final stages of the Public Order Bill passed through the House of Lords, which gives the Police greater powers to restrict people's democratic right to protest in England and Wales.
- The Act grants the Police new powers to prevent protests occurring outside of major transport networks, oil and gas and energy supplies, making "locking on" a new criminal offence, expanding Stop and Search to include suspicionless stop and search, and enacts new individual protest bans under 'Serious Disruption Prevention Orders'.
- Article 11 of the Human Rights Act 1998 enshrines the Right to Peaceful Assembly into British law, guaranteed by Articles 10 and 11 of the European Convention on Human Rights (ECHR)
- A Legislative Scrutiny Report published by the Joint Committee on Human Rights called for key measures in the Public Order Bill to be amended or removed in order to reverse the "chilling effect" it is likely to have on the right to protest.
- This report found that these offences have a very wide scope and criminalise those legitimately exercising their Article 10, 11, 8 and Article 6 rights.

**This Council also notes that:**

- The Public Order Act 2023 has been criticised by Amnesty International, Liberty, Equality and Human Rights Commission (EHRC), and the UN Human Rights Commissioner.
- It follows on from the Police, Crime, and Sentencing Act 2022 which was also accused of infringing upon democratic freedoms by human rights organisations.

- The Government lost a vote in the Lords on the Public Order Bill 2023 to change the interpretation of 'serious disruption' of other people's day-to-day activities to mean 'anything more than minor'. The Lords opposed this change by 254 votes to 240 in May
- The government reintroduced the change by Statutory Instrument.
- Green peer, Jenny Jones, put forward a fatal motion to stop this unprecedented and anti-democratic move by the government. Unfortunately, Labour peers abstained, so it passed.

**The Council further notes that:**

- The Right to Protest is a fundamental pillar of democracy.
- The objective of a protest is to peacefully disrupt and agitate for change. The anti-apartheid and Civil Rights Movement, Women's Suffrage, Gay Pride, workers' rights and a government commitment to carbon zero by 2050 have been achieved through protest and public disruption.
- The Public Order Act is already having a 'chilling effect' on our right to protest.
- The King's Coronation in May saw over 60 people arrested by the Police, many of those on grounds of public nuisance and breaches of the peace for holding signs, chanting, reporting on the protests and standing in close proximity to those protesting.
- The police initially used the 'lock on' ban in the Public Order Act to justify some of these arrests and deployed the largest ever use of live facial recognition technology in the UK
- Police have written to residents of the Hackney area, warning them that Live Facial Recognition will be deployed at an unknown time and location in September 2023.
- This technology is over 80% inaccurate according to the Met's own statistics.
- Amnesty International, Liberty and the EHRC have called for a ban of facial recognition technology, with reports from Amnesty International finding that it is a violation of privacy rights, is antithetical to democracy, disproportionately impacts people of colour, exacerbates systemic racism, and puts Black people at a greater risk of being misidentified.
- Baroness Casey's Report into the Metropolitan Police Service found that there was a deepening mistrust of the force which is institutionally racist, sexist, homophobic and 'broken', compounded by a culture of denial and obfuscation.
- Expanding the use of stop and search at protests without reasonable suspicion is likely to unjustly impact Black and Asian heritage people, and infringe upon their Article 14 right to non-discrimination.
- The Met Commissioner himself has stated that the present use of stop and search 'burns through trust'.

**This Council welcomes:**

- The Administration's ongoing work with the Met Police Commissioner and local Borough Commander on improving standards after the Casey Report and City and Hackney Safeguarding Children Panel Child Q reports.
- The co-production of a local action plan with Hackney communities, the Met and the council on improving trust and confidence.

**This Council resolves to:**

- Write to the Prime Minister to urge him to repeal the draconian Public Order Act and protect our fundamental democratic freedoms.
- Meet with the Met Commissioner to express strong dissatisfaction with the heavy-handed policing witnessed at the King's Coronation and the increasing use of live facial recognition technology across London.
- [U2]“Follow Newham and Lambeth Council's request for an urgent suspension of the use of live recognition technology in Hackney, due to the risk it poses to privacy and freedom of expression, a lack of sufficient safeguards against discrimination and an absence of biometrics regulations, and write to the Home Office, the Mayor of London, and the Metropolitan Police Service to make its opposition to LFR technology clear.
- Ensure Hackney's local action plan on policing involves consideration of alternative ways to keep communities safe, and includes community education on the Police, Sentencing and Crimes Act 2022, and the Public Order Act 2023, so that Hackney residents are briefed on their rights.

**Proposer:** Cllr Zoë Garbett

**Seconded:** Cllr Alastair Binnie-Lubbock

**16b Green Motion – Standing up for Responsible Tax Conduct – Councils for Fair Tax Declaration**

**Hackney Council notes that:**

- The pressure on organisations to pay their fair share of tax has never been stronger.
- Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
- Two thirds of people (66%) believe the Government and local councils should at least consider a company's ethics and how they pay their tax, as well as value for money and quality of service provided, when awarding contracts to companies.
- Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
- It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £17bn per annum in lost corporation tax revenues.
- The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by a wide range of businesses across the UK, including FTSE-listed PLCs, co-operatives, social enterprises and large private businesses.

**Hackney Council believes that:**

- Paying tax is often presented as a burden, but it shouldn't be.
- Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.

- As recipients of public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.
- Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned.
- More action is needed, however, as current and proposed new UK procurement law significantly restricts councils' ability to either penalise poor tax conduct (as exclusion grounds are rarely triggered) or reward good tax conduct, when buying goods or services.
- UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.
- The following local authorities have approved the "Councils for Fair Tax Declaration" to date: Barnet, Brent, City of Westminster, Enfield Council, Hammersmith & Fulham, Haringey, Lambeth, London Borough of Richmond upon Thames, Royal Borough of Greenwich, Southwark Council in addition to thirty-nine other Councils across the UK and the London Assembly.

#### **Hackney Council resolves to:**

- Approve, and publicly declare its support for, the Councils for Fair Tax Declaration and enact the Declaration through the points below.
- Lead by example and demonstrate good practice in our tax conduct, right across our activities.
- Ensure IR35 is implemented robustly and contract workers pay a fair share of employment taxes.
- Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
- Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.
- Demand clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.
- Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.
- Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses are proud to promote responsible tax conduct and pay their fair share of corporation tax.
- Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

**Proposer:** Cllr Zoë Garbett

**Secunder:** Cllr Alastair Binnie-Lubbock



**16c Green Motion – The Crisis in Israel and Palestine: Call for a Ceasefire, Release of All Hostages and More Support for Local Community Cohesion**

**This Council notes:**

1. Across Hackney residents have been horrified by the violent conflict in Israel and Palestine and are grief stricken at the loss of lives, including thousands of children. Many, especially in Jewish, Muslim and Arab communities, are concerned for the safety of friends, family and work colleagues in the region.
2. Previous conflicts in the region have been associated with increases in community tensions, Islamophobia, antisemitism and hate crime in the UK.
3. There has been a worrying rise in antisemitic and Islamophobic hate crime in Hackney since the attacks by Hamas on Israelis on 7th October and the latest siege, bombardment and ground invasion of Gaza.
4. A range of international humanitarian organisations have been calling for a ceasefire, including Oxfam, Save the Children, Medecins Sans Frontières, Muslim Aid, War on Want, War Child and Amnesty International.
5. Hackney is twinned with Haifa city in Israel. Haifa is 160km from the Gaza Strip.
6. The brilliant work by faith and community groups and leaders across the borough to hold our community together, provide solace for today and hope for the future.

**This Council believes:**

7. There must be an immediate ceasefire to end the violence. Humanitarian aid and basic services must be immediately restored. Hostages must be immediately released.
8. A just and lasting peace in the region cannot and will not be brought about through violence, but will only be the result of a political negotiation based on democratic principles, equal rights for all and an end to occupation negotiated by the people of the region. Peace, justice and reconciliation in the region is likely to have a positive impact on community cohesion in Hackney.
9. There can be no place for hate in our Borough. Hackney must be a safe place for those of all faiths and nationalities. We must support those whose families and loved ones are caught up in this conflict. And as a Borough of Sanctuary we extend a special welcome to those fleeing war and persecution and must do all we can to avoid that journey becoming a necessary last resort of many who would not otherwise wish to leave their homes.

**This Council resolves:**

10. To ask the Mayor to write to the UK government to:
  - a) Ask them to call for an immediate ceasefire and immediate release of all hostages.
  - b) Ask them to call for a renewed peace process to establish a political settlement that guarantees freedom, justice and safety for both Israelis and Palestinians.
  - c) Request central government funding to support community cohesion and peace-making at a local level.

11. To continue to work with borough partners to ensure safety for our Muslim and Jewish communities, hold interfaith events more regularly, and to be ready to welcome refugees from the Occupied Palestinian Territories.
12. Encourage interfaith and community groups to bid for funding, like Local Initiative Funding, to support community cohesion, peace-making and celebrating how Hackney fosters harmony between our diverse communities.

**Proposed by:** Councillor Alastair Binnie-Lubbock

**Seconded by:** Councillor Zoë Garbett

## **16d Green Motion - Reduce Glyphosate to Zero Now**

### **Hackney Council notes:**

- The use of herbicides has a significant impact on the environment by removing plants that are an important food source for a wide variety of native insects. Pesticide product mixtures have also been shown to be toxic to bees and earthworms. There is also a risk of runoff from hard surfaces into waterways, putting aquatic ecosystems at risk. We not only face a climate emergency, we also face the related emergency of collapsing biodiversity that is increasingly referred to as the 'sixth mass extinction' (1):
- That 99% of pesticides are made from fossil fuels (2). Furthermore, pesticides exacerbate the climate emergency throughout their lifecycle via manufacturing, packaging, transportation, application, and even through environmental degradation and disposal;
- There is a growing body of scientific evidence showing a link between glyphosate exposure and an increased risk of cancer; the World Health Organisation (WHO) deemed glyphosate a 'probable carcinogen' (3). It has been also shown to worsen chronic conditions such as asthma, and particularly affects children and pregnant people. In addition, it poses a health hazard to workers who spray Hackney's streets.
- The spraying of glyphosate in Hackney is causing concern among residents and elected representatives about its potential harmful effects on children, animals, wildlife and biodiversity on our streets, housing estates and parks;

The contracting staff who carry out this work need to be protected from harm;

- The Mayor of London's commitment in the Environment Strategy to "reduce the use of pesticides and peat-based products, such as compost";
- The work of Transport for London (TfL) with suppliers and contractors to explore safer alternatives such as hot foam, for essential vegetation management and weed control.
- Glyphosate, the most used herbicide was narrowly relicensed in the EU with the condition that Member States "minimize the use in public spaces, such as parks, public playgrounds and gardens."

### **Hackney Council further notes:**

- The work of the council to date in reducing the use of glyphosate with a 50% reduction in on-street spraying against 2017 levels.

**Hackney Council has demonstrated:**

- A commitment to further reducing spraying across the borough, including a total cessation of spraying in Hackney's Town centres, by removing weeds by hand; a successful year-long pilot for more than 200 out of a total 237 green areas across Hackney's housing estates which will now go glyphosate-free permanently, with an intention to upscale to all estate-based green areas; a change in how the council sprays, from operatives mounted on vehicles to spot-spraying with knapsacks; a no-spray 10x Green area around Daubeney Road to explore whether a no-spray approach is more beneficial to biodiversity by avoiding the removal of plants that support insect populations. These changes have been well received by the public.

**The Council acknowledges:**

- Several councils around the country have gone fully glyphosate-free including in London. The London Borough of Hammersmith and Fulham was the first council in London to cease the use of glyphosate, to support biodiversity and protect habitat against any long-term chemical effect by using chemical-free weedkillers, such as hot foam and hot steam. Lambeth and Westminster have also gone pesticide-free and are rolling out programmes for increased biodiversity. Lambeth has a community weeding scheme which encourages residents to leave some annual plants to grow, as well as other initiatives, and Westminster is developing a new 'Greening Project'.
- Where there is a duty to eradicate Japanese Knotweed because of risk to critical infrastructure or mobility issues risking residents' safety, then glyphosate may be used until an acceptable non-chemical alternative becomes available. But its use should be limited to stem injection rather than spraying.

**The Council resolves to:**

- Educate residents in the way that weeds are actually 'pavement plants' (4) and a much needed source of biodiversity in the city, by maintaining regular communications in all appropriate council forums and on estates, as well as with biodiversity events and workshops for residents if/where financially feasible;
- Bring forward an action plan which takes into consideration technical and financial concerns and cost-saving opportunities (5), including a timetable for a complete phase-out of the spraying of glyphosate and any other pesticides, substituting them with non-chemical alternative weed management methods including leaving areas for biodiversity in all council operations.
- Adopt a clear policy for the council's weed management strategy which details a phase-out plan and timetable.
- To engage with the Pesticide-Free London Leaders Network and use this space to create and keep to a clear phase-out plan, as well as share learnings with other councils in the network.

**Proposer:** Cllr Alastair Binnie-Lubbock

**Seconded:** Cllr Zoë Garbett

Sources:

<https://www.bbc.co.uk/news/science-environment-52881831>

<https://www.pan-uk.org/pesticides-and-the-climate-crisis/>

<https://www.iarc.who.int/wp-content/uploads/2018/07/MonographVolume112-1.pdf>

[https://issuu.com/pan-uk/docs/greener\\_cities\\_-\\_a\\_guide\\_to\\_our\\_pavement\\_plants?fr=sYjY5OTExOTMxNQ](https://issuu.com/pan-uk/docs/greener_cities_-_a_guide_to_our_pavement_plants?fr=sYjY5OTExOTMxNQ)

<https://www.pan-uk.org/site/wp-content/uploads/Cost-saving-approaches-to-going-pesticide-free.pdf>

## **Dates of Future Meetings**

The last meeting of Council for the Municipal Year 2023/24 will be held at 7.00pm on Wednesday, 28 February 2024. This meeting will consider the budget for 2024/25.

## Public Attendance

The Town Hall is open. Information on forthcoming Council meetings can be obtained from the Town Hall Reception.

Members of the public and representatives of the press are entitled to attend Council meetings and remain and hear discussions on matters within the public part of the meeting. They are not, however, entitled to participate in any discussions. Council meetings can also be observed via the live-stream facility, the link for which appears on the agenda front sheet of each committee meeting.

On occasions part of the meeting may be held in private and will not be open to the public. This is if an item being considered is likely to lead to the disclosure of exempt or confidential information in accordance with Schedule 12A of the Local Government Act 1972 (as amended). Reasons for exemption will be specified for each respective agenda item.

For further information, including public participation, please visit our website <https://hackney.gov.uk/menu#get-involved-council-decisions> or contact: [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

## Rights of Press and Public to Report on Meetings

The Openness of Local Government Bodies Regulations 2014 give the public the right to film, record audio, take photographs, and use social media and the internet at meetings to report on any meetings that are open to the public.

By attending a public meeting of the Council, Executive, any committee or sub-committee, any Panel or Commission, or any Board you are agreeing to these guidelines as a whole and in particular the stipulations listed below:

- Anyone planning to record meetings of the Council and its public meetings through any audio, visual or written methods they find appropriate can do so providing they do not disturb the conduct of the meeting;
- You are welcome to attend a public meeting to report proceedings, either in 'real time' or after conclusion of the meeting, on a blog, social networking site, news forum or other online media;
- You may use a laptop, tablet device, smartphone or portable camera to record a written or audio transcript of proceedings during the meeting;
- Facilities within the Town Hall and Council Chamber are limited and recording equipment must be of a reasonable size and nature to be easily accommodated.

- You are asked to contact the Officer whose name appears at the beginning of this Agenda if you have any large or complex recording equipment to see whether this can be accommodated within the existing facilities;
- You must not interrupt proceedings and digital equipment must be set to 'silent' mode;
- You should focus any recording equipment on Councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure to respect the wishes of those who do not want to be filmed and photographed may result in the Chair instructing you to cease reporting or recording and you may potentially be excluded from the meeting if you fail to comply;
- Any person whose behaviour threatens to disrupt orderly conduct will be asked to leave;
- Be aware that libellous comments against the council, individual Councillors or officers could result in legal action being taken against you;
- The recorded images must not be edited in a way in which there is a clear aim to distort the truth or misrepresent those taking part in the proceedings;
- Personal attacks of any kind or offensive comments that target or disparage any ethnic, racial, age, religion, gender, sexual orientation or disability status could also result in legal action being taken against you.

Failure to comply with the above requirements may result in the support and assistance of the Council in the recording of proceedings being withdrawn. The Council regards violation of any of the points above as a risk to the orderly conduct of a meeting. The Council therefore reserves the right to exclude any person from the current meeting and refuse entry to any further council meetings, where a breach of these requirements occurs. The Chair of the meeting will ensure that the meeting runs in an effective manner and has the power to ensure that the meeting is not disturbed through the use of flash photography, intrusive camera equipment or the person recording the meeting moving around the room.

## Advice to Members on Declaring Interests

If you require advice on declarations of interests, this can be obtained from:

- The Monitoring Officer;
- The Deputy Monitoring Officer; or
- The legal adviser to the meeting.

It is recommended that any advice be sought in advance of, rather than at, the meeting.

### Disclosable Pecuniary Interests (DPIs)

You will have a Disclosable Pecuniary Interest (\*DPI) if it:

- Relates to your employment, sponsorship, contracts as well as wider financial interests and assets including land, property, licenses and corporate tenancies.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to DPIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner.
- Relates to an interest which should be registered in that part of the Register of Interests form relating to DPIs, but you have not yet done so.

If you are present at any meeting of the Council and you have a DPI relating to any business that will be considered at the meeting, you **must**:

- Not seek to improperly influence decision-making on that matter;
- Make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent; and
- Leave the room whilst the matter is under consideration

You **must not**:

- Participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business; or
- Participate in any vote or further vote taken on the matter at the meeting.

If you have obtained a dispensation from the Monitoring Officer or Standards Committee prior to the matter being considered, then you should make a verbal declaration of the existence and nature of the DPI and that you have obtained a

dispensation. The dispensation granted will explain the extent to which you are able to participate.

### Other Registrable Interests

You will have an 'Other Registrable Interest' (ORI) in a matter if it

- Relates to appointments made by the authority to any outside bodies, membership of: charities, trade unions,, lobbying or campaign groups, voluntary organisations in the borough or governorships at any educational institution within the borough.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to ORIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner; or
- Relates to an interest which should be registered in that part of the Register of Interests form relating to ORIs, but you have not yet done so.

Where a matter arises at any meeting of the Council which affects a body or organisation you have named in that part of the Register of Interests Form relating to ORIs, **you must** make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent. **You may** speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

### Disclosure of Other Interests

Where a matter arises at any meeting of the Council which **directly relates** to your financial interest or well-being or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. **You may** speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Where a matter arises at any meeting of the Council which **affects** your financial interest or well-being, or a financial interest or well-being of a relative or close associate to a greater extent than it affects the financial interest or wellbeing of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you **must** declare the interest. You **may** only speak on the matter if members of the public are able to speak. Otherwise you must not



take part in any discussion or voting on the matter and must not remain in the room unless you have been granted a dispensation.

In all cases, where the Monitoring Officer has agreed that the interest in question is a **sensitive interest**, you do not have to disclose the nature of the interest itself

## **Advice to Members regarding restrictions on voting for Members with council tax arrears**

Members should be aware of the provisions of Section 106 of the Local Government Finance Act 1992, which applies to all elected members where:

They are present at a meeting of the Council, Cabinet or any Committee and at the time of the meeting an amount of council tax is payable by them and has remained unpaid for at least two months; and

Any budget or council tax calculation, or recommendation or decision which might affect the making of any such calculation, is the subject of consideration at the meeting.

In these circumstances, any such members shall at the meeting, and as soon as practicable after its commencement, disclose the fact that section 106 applies to them and they may not vote on any question concerning the matters outlined in paragraph 12(b) above, although they may speak on those matters.

The application of Section 106 is very wide and there have been successful prosecutions under this legislation. It can include meetings held at any time during the year, not just the annual budget meeting, and it may include meetings of committees or sub-committees as well as Council meetings. Members should be aware that the responsibility for ensuring that they act within the law at all times rest solely with the individual Member concerned.

Failure to comply with the requirements under section 106 is a criminal offence unless the member can prove that they did not know

- (a) that the section applied to them at the time of the meeting or
- (b) that the matter in question was the subject of consideration at the meeting.

Thus unwitting Members who for example can prove that they did not know and had no reason to suppose at the time of the meeting that their bank has failed to honour a standing order will be protected should any prosecution arise.

With regard to applications for benefits, it would not be enough to state that an application has been submitted which has not yet been determined, as the liability to pay remains pending any determination.

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