

CHAPTER 2 - MEMBERS

A CODE OF CONDUCT

INTRODUCTION

WHO THIS CODE APPLIES TO

- 1 This Code applies to you as a Member of this Authority when you act in your role as a Member and it is your responsibility to comply with the provisions of this Code.
- 2 The Code of Conduct does not apply to what the Mayor, Members and co-opted Members do in their purely private and personal lives.
- 3 You are a representative of this Authority and the public will view you as such and therefore your actions and perceived actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.
- 4 Any failure to observe the Code may result in:-
 - a) a complaint against you which would be dealt with in accordance with the Council's standards framework and could result in the application of a sanction; and
 - b) a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years in the event of a failure to take appropriate action in respect of any disclosable pecuniary interest (see paragraphs 11 and 12 of this Code).
- 5 This Code is based upon the "Nolan Principles - the seven principles of public life" which are set out at Appendix 1 of this Code.

INTERPRETATION

- 6 In this Code:-
- 7 "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 or joint committees;whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members.
- 8 "Member" includes a co-opted Member and an appointed Member.

General Obligations regarding Behaviour

9 Members should demonstrably act consistently and fairly in adhering to the Seven Principles of Public Life as set out in Appendix 1 of the Members Code of Conduct

10 When acting in your role as a Member of the Authority:

WHAT MEMBERS MUST DO	WHAT MEMBERS MUST NOT DO
DO treat others with respect;	DO NOT conduct yourself in a manner which is contrary to the Authority's duty to promote and maintain high standards of conduct of Members
DO act in accordance with the Authority's reasonable requirements, including the requirements of the Authority's ICT policy and the policies (attached to or included in the Authority's Constitution), copies of which have been provided to you and which you are deemed to have read;	DO NOT 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:- you have the consent of a person authorised to give it; you are required by law to do so; the disclosure is made to a third party for the purpose of obtaining professional legal advice, provided that the third party agrees not to disclose the information to any other person; or the disclosure is:- reasonable and in the public interest; and made in good faith and in compliance with the reasonable requirements of the Authority; and you have consulted the Monitoring Officer prior to its release
DO make sure that such resources are not used improperly for political purposes (including party political purposes)	DO NOT prevent another person from gaining access to information to which that person is entitled by law
DO have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986	DO NOT do anything which would cause your authority to be in breach of any of the equality enactments
DO treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government.	DO NOT bully any person
When making a decision, DO consider the matter with an open mind and on the facts made available to you in order for the decision to be taken.	DO NOT intimidate or attempt to intimidate any person who is likely to be a complainant, witness or involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with the authority's Member Code of Conduct
At a meeting where a disclosable pecuniary interest or personal interest arises, DO declare any interests relating to your public duties and DO take steps to resolve any	DO NOT do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf, of the authority

conflicts arising in a way that protects the public interest.	
DO act solely in terms of the public interest	DO NOT conduct yourself in a manner which could reasonably be regarded as bringing your authority into disrepute
	DO NOT place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
	DO NOT improperly use knowledge gained solely as a result of your role as a Member for the advancement of yourself, your friends, your family Members, your employer or your business interests.
	11 DO NOT act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.

INTERESTS

- 12 As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests.
- 13 The Council has two types of interest of which Members should be aware of and ensure that they register and/or declare as required.
- a) The statutory definition of Disclosable Pecuniary Interests (DPI's) is set out in Appendix 3 of the Code of Conduct. You have a Disclosable Pecuniary Interest (DPI) in any business of the authority if it is of a description set out in this Appendix and is either;
- (i) An interest of yours; or
 - (ii) An interest (of which you are aware of) of a spouse, civil partner or a person you are living with as a spouse or civil partner (known as the "Relevant Person")
- b) The Council has chosen to define personal interests as follows:
- (i) You have a **personal interest** in any business of your Authority where it relates to or is likely to affect;
 - (1) Any body of which you are a member or in a position of general control or management and/or to which you are appointed or nominated by your Authority
 - (2) Any body
 - (a) Exercising functions of a public nature

- (b) Directed to Charitable purposes
- (c) 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 and

(3) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income

14. You are required to register both a Disclosable Pecuniary Interests (DPI) and a personal interest.

IMPORTANT NOTE FOR MEMBERS

- Failure to declare or register a Disclosable Pecuniary Interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest, this will also be a criminal offence. This will also be considered to determine whether such a failure is a breach of the Member Code of Conduct.
- Failure to declare or register a personal interest will be considered to determine whether such a failure is a breach of the Member Code of Conduct.

15. Should a gift or hospitality over the value of £25 or frequent gifts of lesser values from the same person/organisation be accepted, you must within 28 days of receiving the gift or hospitality provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality.

DISCLOSURE AND PARTICIPATION

16. Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family Members, your employer or your business interests, may be so closely tied to your personal and/or professional life that your ability to contribute to a decision in an impartial manner in your role as a Member may be called into question and in turn raise issues about the validity of the decision of the Authority. **DO NOT** become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to and **DO NOT** vote in relation to such matters. (See also Appendix 2.) In addition:

- a. Members must update their register of interests within 28 days of the date that a change occurs;
- b. where a Member discloses a Discloseable Pecuniary Interest, he/she must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which

he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation

- c. Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

PRE-DETERMINATION OR BIAS

17. Where you have been involved in campaigning in your political role on an issue which you should not be prohibited from participating in a decision in your political role as a Member. However you should seek guidance and discuss your future participation in decision making with the Monitoring Officer.
18. Where you have been involved in campaigning in your political role on an issue which does impact on your personal/professional life you may be prohibited from participation in a decision in your political role as a Member. You should seek guidance and discuss your future participation in decision making with the Monitoring Officer.

INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES

19. In relation to any business before an overview and scrutiny committee of the 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 Chapter 5 paragraph 11. and you were present when that decision was made or action was taken; or
 - c) that business relates to a decision made (whether implemented or not), or action taken by you (whether by virtue of the Authority's Constitution or under delegated authority from the Leader);

you may attend 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 purposes, whether under a statutory right or otherwise.

DISPENSATIONS

20. The Mayor, a member or voting co-opted member may request in writing to be granted a dispensation relieving them from the restriction of not participating in, or voting upon, any

matter in which they have a disclosable pecuniary interest. Such a dispensation will only be granted in accordance with the provisions set out in Section 33 of the Localism Act 2011 and arrangements agreed by Council.

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APPENDIX 1 TO THE CODE OF CONDUCT

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of the public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

INTEGRITY

Holders of the public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

APPENDIX 2 TO THE CODE OF CONDUCT

Where the decision referred to in Clause 7 (Pre-determination or Bias) of the Code relates to one of the functions of the Authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- a) housing, where you are a tenant of your Authority *unless* the decision relates particularly to your tenancy or lease;
- b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or a parent governor of a school *unless* the decision relates particularly to the school concerned;
- c) 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;
- d) an allowance, payment or indemnity given to Members;
- e) any ceremonial honour given to Members; and
- f) setting Council Tax or a precept under the Local Government Finance Act 1992.

APPENDIX 3 TO THE CODE OF CONDUCT – DISCLOSABLE PECUNIARY INTEREST

You have a disclosable pecuniary interest in any business of the authority if it is of a description set out in this Appendix and is either;

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

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a Member of a relevant authority in carrying out duties as a Member, or towards the election expenses of a/the Member of the relevant authority. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest*) and the relevant authority— under which goods or services are to be provided or works are to be executed; and which has not been fully discharged.

**this means a firm in which the relevant person is a partner or a body coporate of which the relevant person is a Head of Service, or in the securities of which the relevant person has a beneficial interest*

Land

Any beneficial interest in land which is within the area of the relevant authority*.

**land excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.*

Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to the relevant Member's knowledge)—
the landlord is the relevant authority; and
the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities* of a body where—
that body (to the relevant Member's knowledge) has a place of business or land in the area of the relevant authority; and
either—
the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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