

# PART 5 - CODES AND PROTOCOLS

## SECTION A

### MEMBERS' CODE OF CONDUCT

#### PART 1

##### GENERAL PROVISIONS

#### 1. Introduction and Interpretation

- 1.1. This Code applies to you only when acting in your capacity either as a councillor or co-opted member of the Council or its committees and sub-committees. This Code also applies where your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor or co-opted member. In applying this Code the Monitoring Officer, or Deputy Monitoring Officer as the case may be, shall recognise and give due consideration to every councillor's right to enhanced protection in respect of political expression.
- 1.2. It is your responsibility to comply with the provisions of this Code which will assist the Council in meeting its statutory obligation to promote and maintain high standards of conduct by its councillors and co-opted members in accordance with the following principles:
- (a) **Selflessness.** Holders of 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.
  - (b) **Integrity.** Holders of 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.
  - (c) **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.
  - (d) **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.
  - (e) **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.

- (f) **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.
  - (g) **Leadership** Holders of public office should promote and support these principles by leadership and example.
- 1.3. In this Code, disclosable pecuniary interests are the interests specified in the Schedule to the Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012 (attached as Annex A ) and
- (a) it is an interest that you have personally, or
  - (b) it is an interest of:
    - i. your spouse or civil partner,
    - ii. a person with whom you are living as husband and wife, or
    - iii. a person with whom you are living as if you were civil partners,and you are aware that that other person has the interest.
- 1.4. In this Code, “meeting” means any meeting of:-
- (a) the Council;
  - (b) the Executive of the Council;
  - (c) any of the Council’s or its Executive’s committees, sub-committees, joint committees, joint sub-committees or area committees, including any site visit authorised by the Council, the Executive or any of the aforementioned committees.
- 1.5. This Code does not cover matters in respect of which the Secretary of State may, under the Localism Act 2011, specifically provide that criminal sanctions will apply.
- 1.6. A failure of a councillor or co-opted member to comply with this Code is not to be dealt with otherwise than in accordance with arrangements approved by the Council under which allegations of such failure can be investigated and decisions on such allegations can be made. In particular, a decision is not invalidated just because something that occurred in the process of making the decision involved a failure by a councillor or co-opted member to comply with the Code.

## 2. General Obligations

### 2.1. You must:-

- (a) treat others with respect;

(b) be transparent about conflicts of interest;

(c) act lawfully;

(d) act with integrity and honesty

2.2. You must not:-

(a) do anything which may cause the Council to breach any of the equality enactments;

(b) bully or harass 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 councillor or co-opted member (including yourself) has failed to comply with this 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, the Council.

2.3. 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:-

- reasonable and in the public interest; and

- made in good faith and in compliance with the reasonable requirements of the Council; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

- 2.4. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute, or in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by councillors and co-opted members.
- 2.5. You:-
- (a) must not use or attempt to use your position as a councillor or co-opted 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 Council's resources:-
    - i. act in accordance with the Council's reasonable requirements;
    - ii. ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 and to the Council's Guidance on Publicity and Conduct for Councillors and Officers Prior To an Election.
- 2.6. When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's Chief Finance Officer or Monitoring Officer where that officer is acting pursuant to their statutory duties.
- 2.7. You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

## PART 2

### INTERESTS

#### 1. Registration of Disclosable Pecuniary Interests

- 1.1. As a councillor or co-opted member of the Council you must avoid participating in any decision where you could reasonably be seen as having an interest which compromises your honesty or objectivity. Equally you should avoid any action which might reasonably lead others to conclude that you were not acting selflessly or with integrity. In order to assist with this and to promote openness and accountability, the Monitoring Officer must, by law, establish and maintain a register of interests, open for inspection by the public at the Council's offices and publicly accessible on the Council's website.
- 1.2. You must, before the end of 28 days beginning with the day on which you became a councillor or co-opted member of the Council or this Code being adopted by the Council, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given. These interests will then be entered on the register of interests.
- 1.3. Where you become a councillor or co-opted member of the Council as a result of re-election or re-appointment, paragraph 1.2 applies only as regards disclosable pecuniary interests not entered in the register when the notification is given.

#### 2. Disclosure of Disclosable Pecuniary Interests and participation in decision making

- 2.1. Subject to paragraph 4 (*dispensations*), if you are present at any meeting and you are aware that you have a disclosable pecuniary interest in any matter that will be, or is being, considered at that meeting, you must, irrespective of whether that interest has been registered:
  - (a) disclose the nature of the interest to the meeting (or, if it is a sensitive interest as described in paragraph 5 below, disclose merely the fact that it is a disclosable pecuniary interest);
  - (b) not participate in any discussion or vote regarding that matter; and
  - (c) withdraw immediately from the room or chamber (including the public gallery) where the meeting considering that matter is being held.

Where you have not previously notified the Monitoring Officer of that disclosable pecuniary interest you must also do so within 28 days of the date of the meeting at which it became apparent.

- 2.2. Subject to paragraph 4 (*dispensations*), if you are aware that you have a disclosable pecuniary interest in any matter on which either:

- (a) you are authorised to make decisions, or
  - (b) you are consulted by an officer discharging powers delegated to them,
- you must not, in relation to (a) above, take any decision on that matter or, in relation to (b) above, participate in any consultation with such officer in respect of that matter.

Where you have not previously notified the Monitoring Officer of that disclosable pecuniary interest you must do so within 28 days of the date on which it became apparent.

- 2.3. You may participate in any business of the Council where that business relates to the Council's functions in respect of:-
- (a) housing, where you are a tenant of your authority provided that those functions do not relate 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 are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (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 councillors or co-opted members;
  - (e) any ceremonial honour given to councillors; and
  - (f) setting Council Tax or a precept under the Local Government Finance Act 1992.

### **3. Registration and Disclosure of Non-Pecuniary Interests**

- 3.1. You have a non-pecuniary interest in any business of the Council where it relates to or is likely to affect
- (i) any body to which you are appointed or nominated to by the Council;
  - (ii) any body, of which you are a member or have a close connection with, which exercises functions of a public nature; or is directed to charitable purposes; or is one of whose principal purposes includes the influencing of public opinion or policy (including any political party or trade union),
  - (iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

- (iv) Where a matter arises at a meeting which directly relates to your financial interest (and is not a Disclosable Pecuniary Interest set out in Annex A) or a financial interest of a close relative or close associate.
  - (v) Where a matter arises at a Planning Committee meeting which may, due to proximity, have an impact on land or property you own or otherwise have a legal or beneficial interest.
- 3.2. Where you attend a meeting of the Council, and you have a non-pecuniary interest in any business being 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. The existence and disclosure of a non-pecuniary interest under sections 3.1 (i), (ii) , (iii) or (v) does not prevent you from taking part in the debate and voting on that business unless you consider that the interest affects your judgment or impartiality. The existence and disclosure of a non-pecuniary interest under section 3.1 (iv) means you must not participate in any discussion or vote regarding the relevant matter(s) and you must withdraw immediately from the room or chamber (including the public gallery) where the meeting considering that matter is being held.
- 3.3. Sub-paragraph 3.2 only applies where you are aware or ought reasonably to be aware of the existence of the non-pecuniary interest.
- 3.4. You must, within 28 days of
- (a) this Code being adopted by the Council; or
  - (b) your election or appointment to office (where that is later),
- register in the Council's register of members' interests details of your non-pecuniary interests where they fall within a category mentioned in paragraph 3.1 by providing written notification to the Council's Monitoring Officer.
- 3.5. You must, within 28 days of becoming aware of any changes to your non-pecuniary interests, register details of those changes in the Council's register of members' interests.
- 3.6. Entries in the register of interests will be removed once the person concerned no longer has the interest, or is neither a councillor nor a co-opted member of the Council.

#### **4. Dispensations**

- 4.1. A councillor or co-opted member with a disclosable pecuniary interest in a matter may submit a written request to the Monitoring Officer for the grant of a dispensation allowing that councillor or co-opted member to participate in any discussion and/or vote on that matter at a meeting.

- 4.2. The Monitoring Officer may, after having had regard to all relevant circumstances, grant a dispensation to the councillor or co-opted member only if, he/she considers that without the dispensation:
- (a) the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business, or
  - (b) considers that without the dispensation each member of the Executive would be prohibited from participating in any particular business to be transacted by the Executive in relation to the matter.
- 4.3. The Audit & Standards Committee may, after having had regard to all relevant circumstances, grant a dispensation to the councillor or co-opted member only if, the Committee considers that:
- (a) without the dispensation the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or
  - (b) granting the dispensation is in the interests of persons living in the borough, or
  - (c) it is otherwise appropriate to grant the dispensation.
- 4.4. Any dispensation granted must specify the period for which it has effect, and the period specified may not exceed four years.

## **5. Sensitive Information**

- 5.1. Sub-paragraphs 5.2 and 5.3 apply where:
- (a) a councillor or co-opted member of the Council has an interest (whether or not a disclosable pecuniary interest), and
  - (b) the nature of the interest is such that the councillor or co-opted member, and the Monitoring Officer, consider that disclosure of the details of the interest could lead to the councillor or co-opted member, or a person connected with that councillor or co-opted member, being subject to violence or intimidation.
- 5.2. If the interest is entered in the register of interests, copies of the register that are made available for inspection, and any version of the register published on the Council's website, must not include details of the interest (but may state that the councillor or co-opted member has an interest the details of which are withheld under this provision of the Code).
- 5.3. Where a disclosable pecuniary interest is not entered on the register of interests and would otherwise require disclosure at a meeting, the councillor or



co-opted member shall be entitled to merely disclose at the meeting the fact that they have such an interest in the matter concerned.

## **6. Acceptance of Gifts and Hospitality**

- 6.1. As a councillor or co-opted member of the Council you must avoid accepting any gift, hospitality or other favour which could give the impression of compromising your honesty or objectivity. In particular you
- (a) should avoid any behaviour which might reasonably be seen as motivated by personal gain;
  - (b) should exercise caution in accepting any gifts or hospitality which are (or which you might reasonably believe to be) offered to you because you are a councillor or co-opted member;
  - (c) should never accept significant gifts or hospitality (i.e. anything with a value of £25 or more) from suppliers or contractors seeking to acquire or develop business with the Council; and
  - (d) must register any gift you receive or hospitality you accept (of a value of £25 or more) in the register of interests maintained by the Council.
- 6.2. The requirement to register the acceptance of hospitality of a value of £25 or more does not apply to Councillors undertaking Mayoral duties or when representing the Council at mayoral engagements. A list of current Mayoral Engagements is published on the Council's Website.

## **7. Pre-determination or bias**

- 7.1. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as councillor, however you should 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.
- 7.2. When making a decision, you should always consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken. When making a decision, if you are not able to consider a particular matter with an open mind you should not participate in the debate or vote notwithstanding that you may be predisposed or have expressed previous views. You must also withdraw immediately from the room or chamber (including the public gallery) where the meeting considering that matter is being held.

**The Schedule to the Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012**

<b>Subject</b>	<b>Prescribed description</b>
<b>Employment, office, trade, profession or vocation</b>	<b>Any employment, office, trade, profession or vocation carried on for profit or gain.</b>
<b>Sponsorship</b>	<b>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 M* in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</b>
<b>Contracts</b>	<b>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</b>  <b>(a) under which goods or services are to be provided or works are to be executed; and</b> <b>(b) which has not been fully discharged.</b>
<b>Land</b>	<b>Any beneficial interest in land which is within the area of the relevant authority.</b>
<b>Licences</b>	<b>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</b>
<b>Corporate tenancies</b>	<b>Any tenancy where (to M's knowledge)</b>  <b>(a) the landlord is the relevant authority; and</b> <b>(b) the tenant is a body in which the relevant person</b>  <b>has a beneficial interest.</b>
<b>Securities</b>	<b>Any beneficial interest in securities of a body where</b>  <b>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</b>  <b>(b) either</b>

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\*Note "M" means a member or co-opted member of the Council.

	<p><b>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</b></p> <p><b>(ii) 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.</b></p>
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