

CODE OF CONDUCT FOR COUNCILLORS (AND VOTING CO-OPTees)

PRE-AMBLE - THE GENERAL PRINCIPLES OF CONDUCT (AS SET OUT IN s. 28(1) LOCALISM ACT 2011)

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty and Integrity

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

Leadership

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

Part 1

General Provisions

Introduction and interpretation

- 1.1 This code applies to **you** as a member of an authority.
- 1.2 You should read this code together with the general principles prescribed by the Localism Act 2011.
- 1.3 It is your responsibility to comply with the provisions of this Code.
- 1.4 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;
 - (d) informal meetings with other members and/or officers relating to the discharge of the authority’s functions.
 - “member” includes a voting co-opted member and an appointed member.

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.
- 2.2 Subject to sub-paragraphs 2.3 and 2.4, this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 2.3 In addition to having effect in relation to conduct in your official capacity, paragraphs 4(c), 6 and 7(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- 2.4 Conduct to which this Code applies (whether that is conduct in you 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).
- 2.5 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 You must treat others with respect.
- 4 You must not –
 - (a) do anything which may cause your authority to breach any of the equality

enactments

(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.

5. 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.

6. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

7. 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(a)

8. 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.

9. You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2

MEMBERS INTERESTS

Disclosable Pecuniary Interests

- 10.1 You have a Disclosable Pecuniary Interest in any business of your authority if it is of a description set out in 10.2 below and is either:
- (a) an interest of yours
 - (b) an interest of your spouse
 - (c) an interest of your civil partner
 - (d) an interest of a person you are living with as a spouse or civil partner
- and in the case of paragraphs 10.1(b) – (d) you are aware that that other person has the interest
- 10.2 “Disclosable Pecuniary Interests” are defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and are:-

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 the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).

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—

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Land

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

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 Member’s knowledge)—

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

- (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either—
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (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.

The following definitions shall apply in respect of the above Interests:-

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; *"director"* includes a member of the committee of management of an industrial and provident society;

"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;

"member" includes a co-opted member;

"relevant authority" means the authority of which the person is a member;

"relevant period" means the period of 12 months ending with the day on which the Member gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Localism Act 2011;

"relevant person" means the Member or any other person referred to in section 30(3)(b) of the Localism Act 2011;

"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(b) and other securities of any description, other than money deposited with a building society.

Other Pecuniary Interests

- 11. You have a pecuniary interest in any business of your authority where it relates to or is likely to affect a decision in relation to that business might reasonably be regarded as affecting your financial position or financial position of a relevant person to a greater extent than the majority of-
 - (a) (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;
 - (b) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area

Non-Pecuniary Interests

- 12. You have a non-pecuniary interest in any business of your authority where it relates to or is likely to affect-
 - (a) 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;
 - (b) any body of which you are engaged in voluntary work

- (c) any body-
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) 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;
- (d) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

“Relevant Person”

13. For the purposes of paragraphs 11 a relevant person is-
- (a) A member of your family or any person with whom you have a close association;
 - (b) Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company or 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 which such persons are a member or in a position of general control or management and to which you are appointed or nominated by your authority
 - (e) any body of a type described in paragraph 8(a) i. and ii. of which such persons are members or in a position of general control or management

Disclosure of Interests

- 14.1 Subject to sub-paragraphs 14.2 to 14.5, where you have a disclosable pecuniary interest, any other pecuniary interest or a non-pecuniary interest in any business of your authority and you are present at a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your register of Interests or for which you have made a pending notification
- 14.2 Sub-paragraph 14.1 only applies where you are aware or ought reasonably to be aware of the existence of the pecuniary interest
- 14.3 Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 14.1 but by virtue of paragraph 18 (sensitive interests) details of the interest are not registered in your authority’s published register of members’ interest and that the interest is a disclosable pecuniary interest (if that is the case) but you need not disclose the nature of the interest to the meeting
- 14.4 Where you have a pecuniary or non-pecuniary interest as set out in paragraphs 10, 11 or 12 above, in any business of your authority and a function of your authority may be discharged by you acting alone in relation to that business, you must ensure you notify the authority’s monitoring officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business
- 14.5 Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 14.1 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

- 14.6 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

Disclosure of Interests generally

15.1 Subject to sub-paragraph 15.2 below, you have a duty to disclose any interest, as set out in paragraphs 10,11 and 12 above, in considering any business of the authority, where that 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 judgment in the public interest.

15.2 You do not have a disclosable interest in any business of your authority where that business-

- i. does not affect your financial position or the financial position of a person or body described in paragraph 12(a)-(c);
- ii. 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 12(a)-(c); or
- iii. 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

Effect of Disclosable Pecuniary Interests on participation

16.1 You may not-

- (a) if present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority and
- (b) you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and
- (c) you are aware that sub-paragraph 16.1(a) is met:
 - (i) participate, or participate further, in any discussion of the matter at the meeting, or
 - (ii) participate in any vote, or further vote, taken on the matter at the meeting

and must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the authority’s proper officer

- (d) exercise executive functions in relation to that business and

(e) seek improperly to influence a decision about that business

- 16.2 If a function of your authority may be discharged by a member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself)
- 16.3 If you have a pecuniary interest other than a disclosable pecuniary interest in any business of your authority 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 and you are present at a meeting of the authority at which such business is to be considered or is being considered you must:-
- (a) Disclose the existence and nature of the interest in accordance with paragraph 14.1 (but subject to paragraph 14.3)
 - (b) Withdraw from the room or chamber where the meeting considering the business is being held unless you have obtained a dispensation from your authority's proper officer in a case where paragraph 16.3 applies immediately after making your representations or in any other case when the business is under consideration unless you have obtained a dispensation from your authority's proper officer

PART 3

REGISTER OF MEMBERS INTERESTS

Registration of Members' Interests

17.1 Subject to paragraph 18, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the authority

register in your authority's register of members' interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

(i) disclosable pecuniary interests as referred to in paragraph 10.1 and 10.2 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time

(ii) pecuniary interests referred to in paragraph 11 that you have

17.2 Subject to paragraph 18, you must, within 28 days of becoming aware of any new disclosable pecuniary interest as referred to in paragraph 10.1 and 10.2 that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner or change to any interest registered under paragraphs 17.1(i) or (ii) above by providing written notification to your authority's Monitoring Officer

Sensitive Information

18.1 Where you have a disclosable pecuniary interest referred to in paragraph 10.1 and 10.2 or pecuniary interest referred to in paragraph 11 and the nature of the interest is such that you and your authority's monitoring officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the authority's register then copies of the register available for inspection and any published version of the register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.

18.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 18.1 is no longer sensitive information, notify your authority's monitoring officer

18.3 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 subject to violence or intimidation.