

Part 5a – Code of Conduct for Members

Effective from 8 July 2015

Approved by Council on 8 July 2015

Updated 8 July 2015

1. Principles

1.1 These principles underpin the Code of Conduct. Although they do not form part of the Code, it is expected that you will act with:

- Selflessness
- Honesty and integrity
- Objectivity
- Accountability
- Openness
- Respect for others
- Commitment to uphold the law
- Leadership

2. Application

2.1 This Code applies to you whenever you:

- are acting in your capacity as a member or when you claim to act or give the impression you are acting in your capacity as a member
- act as a representative of your authority on another body.

3. Sanctions

3.1 Failure to comply with the provisions of this Code may result in a sanction being imposed:

- either by the Council (if it relates to the Code itself or a personal / personal prejudicial interest)
- through criminal proceedings (if it relates to a Disclosable Pecuniary Interest which may result in a criminal conviction and a fine of up to £5,000 and/ or disqualification from office for a period of up to 5 years).

4. General obligations of the Code

You must:

4.1 Treat others with respect.

4.2 When using or authorising the use by others of the authority's resources, do so in accordance with the authority's requirements and ensure that resources are not used improperly (including political purposes).

- 4.3 Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 4.4 Have regard, when reaching decisions, to advice provided to you by the authority's Chief Finance Officer or Monitoring Officer when they are acting in accordance with their statutory duties.
- 4.5 Give reasons for all decisions in accordance with any statutory requirements and any additional requirements of the authority.
- 4.6 Not do anything which may cause your authority to breach the Equality Act 2010 (or subsequent legislation)
- 4.7 Not bully any person.
- 4.8 Not intimidate or attempt to intimidate any person who is or is likely to be:
- a complainant
 - a witness
 - involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with the code of conduct.
- 4.9 Not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
- 4.10 Not disclose confidential information 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 advice provided that the third party agrees not to disclose the information to any other person
 - the disclosure is reasonable, in the public interest, made in good faith and in compliance with the reasonable requirements of the authority
- 4.11 Not prevent another person from gaining access to information to which they are entitled by law.
- 4.12 Not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 4.13 Not use or attempt to use your position as a member improperly to gain for yourself or any other person, an advantage or disadvantage.

5. Disclosable Pecuniary Interests (DPI)

- 5.1 This part explains the statutory requirements of the Localism Act 2011 (Sections 29- 34) in relation to disclosable pecuniary interests (DPIs). These are enforced by criminal sanction.
- 5.2 A **disclosable pecuniary interest** is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) of the descriptions set out at Appendix 1.
- 5.3 You must:

- (i) Notify the Monitoring Officer in writing within 28 days of becoming a member, or within 28 days of any change or becoming aware of any existence of a DPI.
- (ii) Make a verbal declaration (at the beginning or as soon as you become aware of your interest) of the existence and nature of any DPI at any meeting at which you are present where an item of business which affects or relates to the subject matter of the interest is under consideration.
- (iii) Comply with the statutory requirements to withdraw from participating in respect of any matter in which you have a DPI and comply with the Council's Procedure Rules by leaving the room.
- (iv) Cease further participation in the item (where acting alone outside of a meeting). This includes where an executive member makes an individual decision and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

6. Dispensations

- 6.1 The Standards Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

7. Offences

- 7.1 It is a criminal offence to:

- fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the Register
- fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- as an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest
- knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

- 7.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

8. Personal Interests

- 8.1 You have a **personal interest** where:

- (i) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a member of your family or any person with whom you have a close association

- (ii) You are a member of any body or in a position of general control or management and to which you are appointed or nominated by your authority
- (iii) You are a member of any body (other than another local authority) exercising functions of a public nature, any body directed to charitable purposes or any body 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.

8.2 You must:

- (i) Notify the Monitoring Officer in writing within 28 days of becoming a member, or within 28 days of any change or becoming aware of any existence of a personal interest set out in paragraph 8.1 (ii) and (iii) above.
- (ii) Make a verbal declaration (at the beginning, or as soon as you become aware of your interest) of the existence and nature of any personal interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of the interest is under consideration.

9. Prejudicial interests

9.1 Your personal interests would become **prejudicial** in the following instances:

- (i) Where 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 of the public interest AND where that business:
 - (a) affects your financial position or the financial position of a person or body through whom the interest arises or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises.

9.2 You must:

- (i) Make a verbal declaration (at the beginning, or as soon as you become aware of your interest) of the existence and nature of any prejudicial interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of the interest is under consideration.
- (ii) Comply with the Council's Procedure Rules by withdrawing from any discussion of the matter at the meeting, and you may not participate in any vote taken on the matter at the meeting.
- (iii) Cease further participation in the item (where acting alone outside of a meeting). This includes where an executive member makes an individual decision and becomes aware of prejudicial interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

9.3 Where you have a prejudicial interest you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and provided that you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

10. General dispensations

- 10.1 You may attend a meeting and vote on a matter where you have an interest that relates to the functions of the authority relating to:
- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease
 - (ii) an allowance, payment or indemnity given to members
 - (iii) any ceremonial honour given to members
 - (iv) setting council tax or a precept under the Local Government Finance Act 1992.
 - (v) Another local authority

11. Registering interests, gifts and hospitality

- 11.1 Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the Council's website.
- 11.2 You must also register details of any gift or hospitality with an estimated value of at least £25 that you have received in connection with your role as a member of the Council and details of the donor.

12. Sensitive interests

- 12.1 Where you consider that disclosure of the details of a personal or prejudicial interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

Appendix 1 – Categories of Disclosable Pecuniary Interests (DPIs)

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	<p>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 you in carrying out duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>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 -</p> <ul style="list-style-type: none">(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	<p>Any tenancy where (to your knowledge) –</p> <ul style="list-style-type: none">(a) the landlord is the relevant authority; and(b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	<p>Any beneficial interest in securities of a body where</p> <ul style="list-style-type: none">(a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and(b) either –<ul style="list-style-type: none">(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or(j) if that 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.