

[DRAFT]

Localism Act 2011

Promoting and Maintaining High Standards of Conduct in Local Government

CODE OF CONDUCT FOR MEMBERS

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24.1 Introduction and Interpretation

24.1.1 This is the Code of Conduct for Members. The Localism Act 2011 requires the Council to have a code of conduct which is consistent with the 'Nolan Principles' determined by the Committee on Standards in Public Life. These principles are set out in the Appendix to this Code. Any breach of the principles is not by itself a breach of the code.

24.1.2 As a Member you are a representative of the Council and the public will view you as such. Your actions impact on how the Council as a whole is viewed and your actions can have both positive and negative impacts on the Council.

24.1.3 When words appear in **bold type** in this code they refer to a term which has been defined in paragraph 24.13.

24.1.4 This Code applies to all Members of the Council including co-opted members of the Council and its committees (including non-voting members). It is your responsibility to comply with the provisions of this Code.

24.1.5 You must comply with this Code whenever you act as a Member of the Council or when you are representing the Council.

24.1.6 When you act as a representative of the Council on another body you must, when undertaking your role on that other body, comply with the Council's code of conduct, except and insofar as it conflicts with any other code of conduct or legal obligation to which you are subject as part of your role on that other body.

24.2 General Obligations

24.2.1 You must treat others with respect.

24.2.2 You must uphold the law.

24.2.3 You must:

- (i) ensure that your personal behaviour promotes good relations between people with different protected characteristics and is not such as may cause the Council to discriminate unlawfully against any person under the provisions of the Equality Act 2010 or subsequent equality legislation;
- (ii) not bully or intimidate or attempt to intimidate any person; or
- (iii) not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

24.3 Confidential Information

24.3.1 You must 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:

- (i) you have the consent of a person authorised to give it; or
- (ii) you are required by law to do so; or
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice and that third party has, before receiving the information, agreed not to disclose the information to any other person; or
- (iv) the disclosure is-

- (a) reasonable and in the public interest; and
- (b) made in good faith and in compliance with the reasonable requirements of the Council.

24.3.2 You must not prevent another person from gaining access to information to which that person is entitled by law.

24.4 Conferring an Advantage or Disadvantage

24.4.1 You must:

- (i) not use or attempt to use your position as a Member improperly to confer on or to secure for yourself or any other person, an advantage or disadvantage - financial or otherwise;
- (ii) when using or authorising the use by others of the resources of the Council,
 - i. act in accordance with the Council's reasonable requirements; and
 - ii. ensure that such resources are not used improperly for political purposes (including party political purposes);

24.5 Publicity

24.5. You must have regard to any applicable Code of Practice on Local Authority Publicity made under the Local Government Act 1986.

24.6 Registration of Interests

24.6.1 Subject to 24.7 below you are required to register details of your **Disclosable Pecuniary Interests** and your **Personal Interests**, within 28 days of becoming a Member (or being re-elected or reappointed) in the Council's Register of Members' Interests.

24.6.2 You are not required to register any **Personal Interest** which falls only within paragraph 24.13.2 (vi).

24.6.2 You must keep your entry in the register of interests up to date by notifying the Monitoring Officer of any changes to your interests referred to above within 28 days of the change occurring or becoming aware of the change.

24.7 Publication of the Register of Interests

24.7.1 The Monitoring Officer will arrange for the Register of Interests to be published on the Council's website.

24.7.2 Where the nature of one or more of your interests is such that you and the Council'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 then copies of the Register available for inspection and any published version of the Register will not include details of the interest but may state that you have an interest, details of which have been withheld in accordance with this Code of Conduct.

24.7.3 You must notify the Council's Monitoring Officer within 28 days of becoming aware of any change of circumstances which means that information excluded from the register under 24.7.1 is no longer sensitive information.

24.8 Declaration of Interests at Meetings

24.8.1 For the purposes of this paragraph, a meeting means any meeting of the Council including the Cabinet, any committee, sub-committee, joint committees, joint sub-committees or area panels.

24.8.2 Where any matter to be considered at a meeting of the Council at which you are present relates to or may have an impact upon a body or matter in which you have a **Disclosable Pecuniary Interest** or a **Personal Interest**, you must disclose the existence and nature of that interest to the meeting.

24.8.3 In addition you must withdraw from the room where the meeting considering the business is being held and must not participate in any debate or vote on the matter unless you have received a dispensation from the Monitoring Officer or the Standards Committee if:

- (a) you have a **Disclosable Pecuniary Interest** in that business; or
- (b) you have a **Personal Interest** which is one that 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.

24.8.4 When declaring an interest at a meeting you need not disclose the nature of the interest if you and the Monitoring Officer have agreed that it ought not appear on the public register of interests, but you must otherwise comply with the rules about declarations of interest.

24.9 Cabinet Member Decisions

24.9.1 Where a report is presented to you and you have an interest which would prevent you from participating in a meeting which was considering it, you must take no action in relation to the report unless you have first obtained a dispensation from the Monitoring Officer or the Standards Committee.

24.9.2 If a report is presented to you and you cannot take the decision because you have an interest you must notify the Monitoring Officer of the interest and that you were unable to act. The Monitoring Officer will arrange for this to be recorded with the decision.

24.10 Disclosure of Interests in Discussions and Correspondence

24.10.1 If you have an interest in any matter which you would be required to declare at a meeting, and that matter is raised in any discussion or correspondence, whether in person, by telephone or email or otherwise, with any member, employee, contractor or agent of the Council [and you believe that the other person is likely to know that you are a Member] you:

- (i) must make a full disclosure of that interest at the outset of any discussions or correspondence, or as soon as the matter is raised; and
- (ii) must not seek improperly to influence a decision about that matter.

24.11 Dispensations

24.11.1 The Council's Monitoring Officer or the Standards Committee may, in the circumstances set out in 24.11.2, grant a dispensation which permits you to

- (i) remain in the room,
- (ii) speak,
- (iii) vote or make a decision

on a matter, notwithstanding that you have an interest in it. Any such dispensation must specify the period for which it has effect, which may not exceed four years.

24.11.2A dispensation may be granted by the Monitoring Officer or the Standards Committee if the person with authority to grant the dispensation:

- (i) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
- (ii) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- (iii) considers that granting the dispensation is in the interests of persons living in the Council's area,
- (iv) considers that without the dispensation each member of the Council's executive would be prohibited from participating in any particular business to be transacted by the Council's executive, or
- (v) considers that it is otherwise appropriate to grant a dispensation.

24.12 Register of Gifts and Hospitality

24.12.1 You must, within 28 days of receipt, notify the Council's Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a Member from any person or body other than the Council.

24.11.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

24.11.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

24.13 Definitions

24.13.1 In this Code the following phrases have the following meanings:

'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 (whether or not remunerated), or in the securities of which the relevant person has a beneficial interest

'disclosable pecuniary interest' is an interest defined as such by the Localism Act 2011 or regulations made thereunder.

24.13.2 You have a **'Personal Interest'** in matters falling within any of the descriptions which are not a **disclosable pecuniary interest**:

- (i) Any contract with the Council or a body it controls which has expired within the last 2 years and which was, when it was in force, a **disclosable pecuniary interest** or a **personal interest**.

- (ii) Any tender, bid or quotation submitted within the last 2 years to the Council which would, if accepted, have amounted to a **disclosable pecuniary interest**. Tenders, bids or quotations are not required to be registered until the last date for the submission of tenders, bids or quotations.
- (iii) Any body of which you are a member or in which you hold a position of general control or management and to which you have been appointed or nominated by the Council;
- (v) Any other body of which you are a member or in which you hold a position of general control or management -
 - a. which exercises functions of a public nature;
 - b. which is directed to charitable purposes; or
 - c. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
- (vi) Any matter which might reasonably be regarded as affecting the well-being or financial position of:
 - (a) yourself
 - (b) a body in which you have a **Disclosable Pecuniary Interest** or a **Personal Interest**,
 - (c) a friend, relative or close associate

to a greater extent than the majority of other council tax payers or inhabitants of the electoral division affected by the decision.

23.12.3 Notwithstanding 23.12.4, an interest which is a **Disclosable Pecuniary Interest** is not a **Personal Interest**.

For guidance the following note summarises the statutory definition at March 2016. The Monitoring Officer will notify all Members and update this part of the code if the law changes.

A member has a Disclosable Pecuniary Interest if they or their partner have an interest of a description set out in paragraphs (1) to (7) below

In this context 'partner' means spouse, civil partner or a person the member is living with as a spouse or civil partner. Members only have to declare interests of their partner to the extent that they know about them.

Disclosable Pecuniary Interests are:

- (1) *Any employment, office, trade, profession or vocation carried on for profit or gain;*
- (2) *Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous twelve months in respect of any expenses incurred by the member in carrying out duties as a Member, or towards election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;*
- (3) *Any contract for goods, services or works which has not been fully discharged between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council;*

- (4) Any beneficial interest in any land in the Council's area;*
- (5) Any licence of any land in the Council's area (alone or jointly with others) to occupy land for a month or longer;*
- (6) Any tenancy where to the Member's knowledge (a) the landlord is the Council and (b) the tenant is a body in which a relevant person has a beneficial interest;*
- (7) Any beneficial interest in securities of a body where:*
 - 1. that body (to the Member's knowledge) has a place of business or land in the area of the Council; and*
 - 2. either:*
 - (a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or*
 - (b) 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 NOLAN PRINCIPLES

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.