

## Part 5A

# WIRRAL COUNCIL MEMBERS' CODE OF CONDUCT

### Introduction

The Localism Act 2011 (“the Act”) requires the Council to adopt a Members’ Code of Conduct with effect from 1 July 2012. This revised Code of Conduct shall take effect from 1 August 2014.

You are a representative of this Council and the public will view you as such therefore 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.

This Code is based upon the “Nolan Principals-the seven principles of public life” which are set out at Schedule 1.

### Interpretation

In this Code:-

“Disclosable pecuniary interest” means those interests as defined under Schedule 3.

“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 or area committees;

whether or not the press and public are excluded from the meeting in question.

“Member” includes an appointed Member and Co-opted Member.

“Relevant Authority” means Wirral Borough Council (unless otherwise stated).

#### 1. General Obligations

When acting in your role as a Member of the Council:

- 1.1 **DO** treat others with respect;
- 1.2 **DO NOT** conduct yourself in a manner which is contrary to the Council’s duty to promote and maintain high standards of conduct of Members;

- 1.3 **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-
- (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 legal advice provided that the third party agrees 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 authority; and
    - (c) agreed with the Monitoring Officer prior to its release.
- 1.4 **DO NOT** prevent another person from gaining access to information to which that person is entitled by law.
- 1.5 **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.
- 1.6 As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests however when performing your public role as a member, **DO** act solely in terms of the public interest and **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.
2. When using or authorising the use by others of the resources of the authority
- 2.1. **DO** act in accordance with the Council's reasonable requirements including the requirements of the Council's ICT policy and other Council policies (attached to the Council's Constitution), copies of which have been provided to you and which you are deemed to have read;
  - 2.2. **DO** make sure that such resources are not used improperly for political purposes (including party political purposes); and
  - 2.3. **DO** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 (as amended).

3. When acting as a nominated representative of the Council

- (a) on another relevant authority (as defined by the Localism Act 2011), you must, when acting for that other relevant authority, comply with that relevant authority's applicable code of conduct;
- (b) on any other body, you must, when acting for that other body, comply with Wirral Council's Code of Conduct, except and so far as it conflicts with any other lawful obligations to which that other body may be subject.

4. Interests

4.1 Disclosable Pecuniary Interests

You must, within 28 days of your election or appointment to office (where that is later), notify the Monitoring Officer in writing:–

- (a) of your disclosable pecuniary interest which are notifiable under the Act and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations (2012) for inclusion in the Register of Interests; and,
- (b) of the details of your other personal interests for inclusion in the register of interests; and,

Thereafter, as soon as reasonably possible (and in any event within 28 days) after becoming aware of any new disclosable or personal interests or change to any disclosable or personal interests, give written notification of such change to the Monitoring Officer or amend your Register of Interest.

Failure to declare or register a 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.

4.2 Personal Interests

You have a personal interest in any business of the Council where it relates to or is likely to affect:-

- (i) 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 the Council;
- (ii) any body:-
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or

- (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party), of which you are a member or in a position of general control or management.

4.3 You also have a personal interest in any business of the Council:-

- (i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council taxpayers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision,  
or,
- (ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.

4.4 Sensitive Interests

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register which are made available for inspection and any published version of the Register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

5. Disclosure and participation

- 5.1 At a meeting where such issues arise, **DO** declare any personal and/or professional interests relating to your public duties and **DO** take steps to resolve any conflicts arising in a way that protects the public interest.
- 5.2 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, are so closely tied to your personal and/or professional life that your ability to make 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 be and **DO NOT** vote in relation to such matters.

6. Disclosable Pecuniary Interest

- 6.1 Where you disclose a disclosable pecuniary interest, you must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which you have an interest, except where you are permitted to remain as a result of a grant of a dispensation. Descriptions set out in Schedule 3 below.

7. Personal Interests

7.1 Where you have a personal interest (as described above) in any business of the Council, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of the Council at which the business is 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.

8. Where you have a personal interest but, by virtue of paragraph 4.4 above sensitive information relating to it is not registered in the Council's Register of Members' Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

9. Where you have a personal interest in any business of the Council, you must consider if this is also an interest that could be deemed as prejudicial.

10. Prejudicial Interests

10.1 If you have a personal interest in any business of the Council, you also have a prejudicial interest in that business where the 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 judgement of the public interest and where that business:

(a) affects your financial position or the financial position of a person or body described in paragraphs 4.2 or 4.3 above; or

(b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 4.2 to 4.3 above.

11. Subject to paragraph 13.1 below, where you disclose a prejudicial interest, you must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which you have an interest, except where you are permitted to remain as a result of a grant of a dispensation.

12. Where you have a prejudicial interest in any business of the Council 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 you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

13. Pre-determination or bias

13.1 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 member, however **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.

14. When making a decision, **DO** consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

15. Gifts and Hospitality

15.1 You are required to declare to the Monitoring Officer and register any such gift or hospitality which has (or is estimated to have) a value in excess of twenty five pounds (£25.00) within 28 days of receiving the gift or hospitality.

16. Interests arising in relation to overview and scrutiny functions

16.1 In relation to any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where-

16.2 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

16.3. 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 subcommittee and you were present when that decision was made or action was taken; or

16.4. 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):

16.5 **You may** attend a meeting of the relevant committee exercising overview and scrutiny functions of the Council 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.

17. Dispensations

17.1 The Council, through the Standards and Constitutional Oversight 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.

17.2 Under this Code, Members are granted dispensations in relation to those matters set out in Schedule 2 below.

## **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.

**DISPENSATIONS**

Subject to you disclosing the interest at the meeting, where a decision to be taken relates to one of the functions of the Council/Executive 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:

- (i) housing, where you are a tenant of your authority unless those functions 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 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;
- (vi) setting council tax or a precept under the Local Government Finance Act 1992; and
- (vii) trade union matter where you are a member (but not in a position of control) of the recognised trade union in question or another recognised trade union (excluding Sponsorship as defined under Schedule 3).

## Schedule 3

### Disclosable Pecuniary Interests

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) within the following descriptions:-

<b>Subject</b>	<b>Prescribed Description</b>
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 the Member in carrying out duties as a Member, or towards the election expenses of the Member.</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> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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 the Member's knowledge):-</p> <p>(a) the landlord is the relevant Authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>

<p>Securities</p>	<p>Any beneficial interest in securities of a body where:-</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant Authority; and</p> <p>(b) either:-</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or,</p> <p>(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.</p>
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