



CONSTITUTION OF THE COUNCIL

Part 5 Section 1

THE MEMBERS CODE OF CONDUCT

Introduction

The Council has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its members and co-opted members.

The Code sets out general obligations about the standards of conduct expected of members and co-opted members of the authority, together with provisions about registering and declaring interests. It has been adopted under section 27 of the Localism Act 2011 and is required, when viewed as a whole, to be consistent with the following general principles of conduct identified by the Committee on Standards in Public Life as set out in Appendix 1 - selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Interpretation

In this Code:

- “member” includes a co-opted member or non-voting member;
- “co-opted member” is a person who is not a member of the authority but who is appointed as a member of any of its committees or sub-committees, or a member of and represents the authority on any joint committee or joint sub-committee of the authority, and who is entitled to participate at such meetings;
- “meeting” means;
 - any meeting of the authority or any of its committees, sub-committees, joint committees or joint sub-committees
 - any briefing by officers
 - any site visit to do with business of the authority; and
 - includes for these purposes a time and place where a member may act as an individual consultee.

General Obligations

1. When acting in your role as a member of the Authority you are expected to observe the general principles of conduct identified by the Committee on Standards in Public Life (as set out in Appendix 1) and, in particular, that you:
 - (a) **DO** treat others with respect.
 - (b) **DO NOT** conduct yourself in a manner which is contrary to the Authority's duty to promote and maintain high standards of conduct of members.
 - (c) **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) you have consulted the Monitoring Officer prior to its release
 - (d) **DO NOT** prevent another person from gaining access to information to which that person is entitled by law.
2. When using, or authorising the use by others of the resources of the Authority –
 - (a) **DO** act in accordance with the Authority's reasonable requirements including the requirements of the Authority's ITC policy and the policies, copies of which have been provided to you and which you are deemed to have read;
 - (b) **DO** make sure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) **DO** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

Registration of Interests

3. You must within 28 days of
 - (a) this Code being adopted by the authority; or
 - (b) your election or appointment to office (as appropriate)

register with the Monitoring Officer the interests which fall within the description of interests set out in Appendix 2 (Disclosable Pecuniary Interests) and Appendix 3 (Other Interests).

4. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Appendix 2 or 3, or of any change to a registered interest, notify the Monitoring Officer of that new interest or change.

Disclosure of Interests and Participation in Meetings

5. If you are present at a meeting and you or your spouse/partner have an interest as set out in Appendix 2 (Disclosable Pecuniary Interests):
 - (a) you must not participate in any discussion of the matter at the meeting and you must not vote on the matter;
 - (b) you must make a verbal declaration of that interest if an item of business affects or relates to that interest, at or before the item is considered or as soon as the interest becomes apparent;
 - (c) you must leave the room where the meeting is held during any discussion or vote; and
 - (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
6. Where a matter arises at a meeting which relates to an interest as set out in Appendix 3 (Other Interests):
 - (a) you must not vote on the matter;
 - (b) you may speak on the matter only if members of the public are allowed to speak at the meeting;
 - (c) you must declare your interest if you speak on the matter at the meeting or if the interest is not already on your register of interests or if you have not notified the Monitoring Officer of it. Otherwise, you do not need to declare the interest at the meeting.
7. Where a matter arises at a meeting which relates to or is likely to affect any of the interests listed in Appendix 2 in respect of a member of your family (other than your spouse/partner) or a friend or close associate of yours, and you are aware or ought reasonably to be aware of the existence of that interest:
 - (a) you must declare the interest;
 - (b) you must not vote on the matter;
 - (c) you may speak on the matter only if members of the public are allowed to speak at the meeting.

Pre-determination and bias

8. 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 a 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.
9. 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.

Gifts and Hospitality

10. You must within 28 days of receipt notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £50 or more which you have accepted as a member from any person or body other than the authority. The notification will be entered on a public register of gifts and hospitality.

Sensitive interests

11. 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 that it is a “sensitive interest”, you need only declare the fact that you have an interest but not the details of that interest. Copies of the public register of interests may state you have an interest the details of which are withheld.

APPENDIX 1

The Seven Principles of Public Life

Principle	Description [Revised as of January 2013]
<i>Preamble</i>	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	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.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	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.
<i>Openness</i>	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.
<i>Honesty</i>	Holders of public office should be truthful.
<i>Leadership</i>	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.

APPENDIX 2

Disclosable Pecuniary Interests

The definition of a “disclosable pecuniary interest” in relation to a Member is if it is of a description specified in the table below and either—

- (a) it is an interest of the Member's; or
- (b) it is an interest of —
 - (i) the Member's spouse or civil partner,
 - (ii) a person with whom the Member is living as husband and wife, or
 - (iii) a person with whom the Member is living as if they were civil partners,and the Member is aware that that other person has the interest.

Subject	Prescribed description
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 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.
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.

Subject	Prescribed description
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 M'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 M'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 definition above is as set out at section 30(3) of the Localism Act 2011 and the description of interests are as specified in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Failure to register these interests, or to participate in any discussion or voting at a meeting in respect of these interest without a dispensation, is a criminal offence.

Nb. The definition of a sensitive interest is:

An interest which the elected member or co-opted member and the Monitoring Officer consider, if disclosed, could lead to the elected or co-opted member or a person connected with them being subject to violence or intimidation.

APPENDIX 3

Other Interests

In addition to the requirement to register disclosable pecuniary interests and in the interest of openness and transparency, the Authority also requires you as an elected or co-opted member to register any involvement which you have either as a member of, or as someone who holds a position of general control or management in, the following bodies:

- (i) a body to which you have been appointed or nominated by the Authority as its representative;
- (ii) any public authority or body exercising functions of a public nature;
- (iii) any company, industrial and provident society, charity or body directed to charitable purposes;
- (iv) any body whose principal purposes include the influence of public opinion or policy;
- (v) any trade union or professional association This requirement applies only to you as the elected or co-opted member. It does not require you to register interests (other than the pecuniary interests referred to) of any other person.

APPENDIX 4

Standard Dispensations

Where the decision relates to one of the functions of the Authority 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 the Authority *unless* those functions that 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 School 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, levy or a precept under the Local Government Finance Act 1992