

# CODE OF CONDUCT FOR COUNCILLORS

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# CODE OF CONDUCT FOR COUNCILLORS

## Part 1 – General Provisions

### 1. INTRODUCTION AND INTERPRETATION

- (1) This Code applies to **you** as a Councillor of this authority, when acting in that capacity.
- (2) This Code is based upon the seven principles of public life which are set out in **Part 4**.
- (3) It is your personal responsibility to comply with the provisions of this Code. If you need guidance on any matter under this Code you should seek it from the Monitoring Officer or Deputy Monitoring Officer.
- (4) Any failure to observe the Code may result in:
  - a) A prosecution against you. It is a criminal offence to fail to notify the Monitoring Officer of a disclosable pecuniary interest, to take part in discussions or vote at meetings, or to take a decision where you have a disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the authority's Monitoring Officer.
  - b) A complaint that you have failed to comply with this Code and will be dealt with by the Authority under Arrangements which it has in place for such purposes.
- (5) In this Code

"Councillor" includes a co-opted Member and an appointed Member.

"Co-opted Member" means a person who is not a Councillor of the authority but who:

  - a) Is a member of any Committee or Sub-Committee of the authority, or
  - b) Is a member of, and represents the authority on, any Joint Committee or Joint Sub-Committee of the authority

and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee.

"Meeting" means any meeting of:

  - a) The authority, the Cabinet, any Committees, Sub-Committees, Joint Committees or area or local Committees.
  - b) Councillors in formal or informal meetings with other Councillors and/or officers relating to the business of the authority.

### 2. SCOPE

- (1) Subject to sub-paragraph (3), you must comply with this Code whenever you act or appear to act in your official capacity as a Councillor, namely when 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),
  - b) Act, claim to act or give the impression you are acting as a representative of your authority or

- c) Give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;
- (2) The Code applies to all forms of communication and interaction, including:
  - at face-to-face meetings
  - at online or telephone meetings
  - in written communication
  - in verbal communication
  - in non-verbal communication
  - in electronic and social media communication, posts, statements and comments.'
- (3) This Code does not apply to what Councillors do in their purely private and personal lives.

### **3. GENERAL OBLIGATIONS**

- (1) You must treat others with respect.
- (2) You must not do anything which may cause your authority to breach any of the equality duties as set out in the Equality Act 2010.
- (3) You must not bully or harass any person.
- (4) Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour or abuse or misuse of power in a way that undermines, humiliates, denigrates or injures the recipient.
- (5) Harassment is defined as “unwanted conduct” which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.
- (6) You must undertake the Code of Conduct training provided by your local authority.
- (7) You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in any investigation or proceedings about a complaint that a Councillor (including yourself) has failed to comply with their Authority’s Code of Conduct. If a Code of Conduct complaint is referred for an Investigation, there will be an obligation on the Councillor to comply with any formal standards investigation.
- (8) You must comply with any sanction imposed on you following a finding that you have breached the Code of Conduct.
- (9) You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (10) 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:
    - (a) Reasonable and in the public interest and
    - (b) Made in good faith and in compliance with the reasonable requirements of the authority <sup>1</sup> or
- b) Prevent another person from gaining access to information to which that person is entitled by law.

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

(12) You must not use or attempt to use your position as a Councillor improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

(13) You 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).

(14) You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

(15) When reaching decisions on any matter you must have regard to any relevant advice provided to you by the authority's Chief Finance Officer or your authority's Monitoring Officer, where that officer is acting pursuant to their statutory duties.

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

<sup>1</sup> Note "In compliance with the reasonable requirement of the Authority" means that a Councillor should consult the Chief Executive (as Head of the Paid Service), the Head of Governance, People & Performance (as Monitoring Officer) or the Head of Corporate Finance (as Chief Finance Officer) before taking a decision on whether or not to disclose confidential information.

## Part 2 – Interests

### 4. PERSONAL INTERESTS

- (1) You have a personal interest in any business of your authority where:
- a) 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 your authority.
    - (ii) Any body
      - (a) Exercising functions of a public nature.
      - (b) Directed to charitable purposes.
      - (c) 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.
    - (iii) The interests of any person or body other than the authority from whom you have received a gift, benefit or hospitality as a Councillor with an estimated value of at least £50.

OR

- b) 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 relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

You are required to register a Personal interest.

- (2) In sub-paragraph (1)(b), 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 of 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.
  - (d) Any body of a type described in sub-paragraph (1)(a)(i) or (ii).

### 5. DISCLOSURE OF PERSONAL INTERESTS

- (1) Subject to sub-paragraphs (2) to (4) below, where you have a personal interest in any business of your authority and you attend a meeting of your authority at which any matter relating to 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.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 4(1)(a)(i) or 4(1)(a)(ii)(a), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

- (3) Where you have a personal interest in any business of the authority or the type mentioned in paragraph 4(1)(a)(iii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

## **6. PREJUDICIAL INTERESTS**

- (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority 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.
- (2) You do not have a prejudicial interest in any business of the authority where that business:
  - (a) Does not affect your financial position or the financial position of a person or body described in paragraph 4.
  - (b) 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 4.
  - (c) 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 councillors.
    - (v) Any ceremonial honour given to councillors.
    - (vi) Setting council tax or a precept under the Local Government Finance Act 1992.

## **7. PREJUDICIAL INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES**

You also have a prejudicial interest in any business before an Overview and Scrutiny Committee of your authority (or of a Sub-Committee of such a Committee) where:

- (a) That business relates to a decision made (whether implemented or not) or action taken by your Authority's Cabinet or another of your authority's Committees, Sub-Committees, Joint Committees or Joint Sub-Committees and
- (b) At the time the decision was made or action was taken, you were a member of the Cabinet, Committee, Sub-Committee, Joint Committee or Joint Sub-Committee and you were present when that decision was made or action was taken.

## **8. EFFECT OF PREJUDICIAL INTERESTS ON PARTICIPATION**

- (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of the authority:
  - (a) You must withdraw from the room or chamber where a meeting considering the business is being held:
    - (i) In a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence.
    - (ii) In any other case, whenever it becomes apparent that the business is being considered at that meeting:  
unless you have obtained a dispensation from the Monitoring Officer.
  - (b) You must not exercise executive functions in relation to that business.
  - (c) You must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the Overview and Scrutiny Committee of your authority 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 purpose, whether under a statutory right or otherwise.

## **9. DISCLOSABLE PECUNIARY INTERESTS**

- (1) You have a Disclosable Pecuniary Interest in any business of your Authority where you or your partner have any interest of a description specified as a Disclosable Pecuniary Interest as set out in Part 5 of this Code.
- (2) In sub-paragraph (1), your partner means:
  - (a) Your spouse or civil partner.
  - (b) A person with whom you are living as husband and wife.
  - (c) A person with whom you are living as if you were civil partners.
- (3) In sub-paragraph (2), any interest which your partner may have is only treated as your interest if you are aware that your partner has the interest.

## **Disclosure of Disclosable Pecuniary Interests**

- (4) (1) Subject to sub-paragraph (2) where you have a Disclosable Pecuniary Interest in any business of your authority and you attend a meeting of your authority 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.
- (2) Where you have a Disclosable Pecuniary Interest in any business of your authority you need only disclose to the meeting the existence and nature of the interest if the interest is not already registered on your Register of Councillor's Interests.
- (3) If the Disclosable Pecuniary Interest is not already on your Register of Councillor's Interests or the subject of a pending notification to the Monitoring Officer and is disclosed to the meeting you must notify the Monitoring Officer of the interest within 28 days of disclosure to the meeting.

## **Effect of Disclosable Pecuniary Interests on Participation**

- (5) Where you have a Disclosable Pecuniary Interest in any business of your authority:
  - (a) You must not participate in any discussions of the matter at a meeting.
  - (b) You must not participate in any vote taken on the matter at the meeting.
  - (c) You must withdraw from the meeting room including the public gallery where the meeting considering the matter is being held unless you have received a dispensation.

## **Part 3 – Registration of Councillors' Interests**

### **10. REGISTRATION OF COUNCILLORS' INTERESTS**

- (1) You must, within 28 days of your election or appointment to office (where that is later), register in your authority's Register of Councillors' Interests details of:
  - (i) Your personal interests and
  - (ii) Disclosable Pecuniary Interests by providing written notification to your authority's Monitoring Officer.
- (2) You must within 28 days of becoming aware of any new personal or pecuniary interest or change to any such interests register details of that new interest or change by written notification to your Authority's Monitoring Officer.

### **11. GIFTS AND HOSPITALITY**

- (1) The Bribery Act 2010 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 10 years or a fine or both.



- (2) You must register as a Personal Interest the receipt of any gift or hospitality with an estimated value of £50 or more received within the last three years. This must be done within 28 days of its receipt / acceptance.
- (3) In any event, you are required to complete a Form of Declaration of receipt / acceptance of any gift or hospitality including refusal.
- (4) Further information can be found within the Guidance Note on Gifts & Hospitality section of this Constitution.

## **12. SENSITIVE INFORMATION**

- (1) Where you consider that the information relating to any of your Interests is sensitive information, and your authority's Monitoring Officer agrees, the Monitoring Officer shall not include details of the interest on any copies of the Register of Councillors' Interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's Monitoring Officer asking that the information be included in the Register of Councillors' Interests.
- (3) In this Code, "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

## **13. DISPENSATIONS**

- (1) On a written request made to the Monitoring Officer by a Councillor for a dispensation the Monitoring Officer or the Governance Committee may grant a dispensation relieving the Councillor from the restriction of non-participation or voting on a matter where the member has a prejudicial or a disclosable pecuniary interest in a matter.
- (2) A dispensation may only be granted in accordance with Section 33 of the Localism Act 2011.

## **Part 4 – The Seven Principles of Public Life**

### *Selflessness*

- 1.** Councillors should act solely in terms of the public interest.

### *Integrity*

- 2.** Councillors 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 friends. They must declare and resolve any interests and relationships.

### *Objectivity*

- 3.** Councillors must act and take decisions impartially, fairly and on merit and using the best evidence and without discrimination or bias.

### *Accountability*

4. Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### *Openness*

5. Councillors 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.

### *Honesty*

6. Councillors should be truthful.

### *Leadership*

7. Councillors exhibit these principles in their own behaviour, they should actively promote and robustly support these principles and be willing to challenge poor behaviour wherever it occurs.

## **Part 5 – The Categories of 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:

Interest	Description ("M" = Member of the Council)
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 Councillor, 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.
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

Interest	Description ("M" = Member of the Council)
	(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> <p>(a) that body (to M'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>