



# Members' Code of Conduct

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# MEMBERS' CODE OF CONDUCT

## INTRODUCTION

1. The Council has a duty under section 27(1) of the Localism Act 2011 ("the Act") to promote and maintain high standards of Conduct by its members and co-opted members.
2. Under section 27(2) of the Act the Council in discharging this duty must in particular adopt a Code of Conduct ("the Code") dealing with the conduct that is expected of Council members and co-opted members when acting in that capacity.
3. This Code was adopted by the Council on 12 June 2012. The Code reinforces and is supported by more detailed provisions in Council policies, protocols, procedures and other documents relating to the conduct of members.

## DEFINITIONS AND INTERPRETATION

### References in this Code to member or members

4. In this Code all references to "member" or "members" include any person who is a "co-opted member".
5. For the purposes of the Code "co-opted member" means, in accordance with section 27(4) of the Act, a person who is not a member of the Council but is either:
  - (a) a member of any committee or sub-committee of the Council or
  - (b) a member of, and represents the Council 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 the committee or sub-committee.

### Acting in the capacity of a member

6. Acting in the capacity of a member includes conducting the business of and representing the Council.
7. However the public nature of the role and responsibilities of a member means that the distinction between acting in the capacity of a member and that person's private life may at times become blurred.
8. Members are entitled to a private life and must take care and use commonsense to ensure as far as possible that there is clear separation between what they do in their private life and when acting in their capacity as a member.

## **ASPIRATIONS OF THE CODE**

9. This Code sets out the standards of conduct that members are required to meet at all times. Members are also expected to aspire to exceed the provisions of the Code.

10. The Council Leader, Group Leaders and the Chairman and members of the Council's Standards Committee, individually and collectively, have a special responsibility in their own conduct to set an excellent example and to inspire other members to achieve the highest standards of conduct.

11. High standards of conduct by members are not only important in their own right; they also have an influence on the Council as a whole in achieving high standards of performance.

## **PRINCIPLES OF THE CODE**

12. To comply with section 28(1) of the Act the Code must when viewed as a whole be consistent with the following principles:

Selflessness  
Honesty and Integrity  
Objectivity  
Accountability  
Openness  
Leadership

13. This Code is in addition consistent with the following principles:

Personal judgement  
Respect for others  
Duty to uphold the law  
Stewardship

14. These ten principles are defined at Appendix A.

## **OBLIGATIONS ON MEMBERS UNDER THE CODE**

### **General Obligations**

- To comply with the Council's Protocols relating to the conduct of members, as listed at Appendix B.

### **Specific Obligations**

- To have regard to advice given under their statutory duties by the Council's Monitoring Officer and Chief Financial Officer.

- Not to disclose confidential information to any person without first seeking legal advice from the Monitoring Officer.
- Not to compromise the impartiality of Council officers, or try to do so.
- Not to allow his/her conduct or behaviour to bring disrepute on the Council, or compromise the Council's duty to promote and maintain high standards.
- Not to use or attempt to use his/her position improperly for his/her or any other person's gain or loss.
- Not to bully, harass or intimidate other people.

## **DISCLOSURE AND REGISTRATION OF INTERESTS**

15. The Council's Monitoring Officer is required under section 29 of the Act to establish and maintain a register of members' interests. Members must notify the Monitoring Officer of the following interests to be entered in the Council's register:

### **Disclosable pecuniary interests**

16. A "disclosable pecuniary interest" means a pecuniary interest prescribed in Regulations made by the Secretary of State under section 30(3) of the Act. Detailed information about pecuniary interests that must be disclosed by members, when such interests must be disclosed and the legal consequences of a member failing to make a full and timely disclosure is at Appendix C.

### **Disclosable interests other than pecuniary interests**

17. Detailed information about interests other than pecuniary interests that must be disclosed by members, and when such interests must be disclosed, is at Appendix D.

## **ALLEGATIONS OF FAILURE TO COMPLY WITH THE CODE**

18. Any complaint received by the Monitoring Officer alleging misconduct by a Member under the Code will be considered by the Council's Standards Committee in accordance with the arrangements at Appendix E.

19. Any Member who is the subject of a complaint relating to this Code or is the person who made the complaint or is believed to have information relating to the complaint must co-operate with the Standards Committee's enquiries into the complaint.

## **REVIEW OF CODE**

20. This Code will be kept under review by the Council's Standards Committee which will make recommendations to the Council for any revisions to the Code it considers may be necessary from time to time.

## APPENDIX A

### GENERAL PRINCIPLES OF THE CODE OF CONDUCT

**Selflessness** – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – members should be as open as possible about their actions and those of the Council, and should be prepared to give reasons for those actions.

**Leadership** – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

**Personal judgement** – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. Members should respect the impartiality and integrity of the Council's statutory officers and its other employees.

**Duty to uphold the law** – members should uphold the law and on all occasions act in accordance with the trust that the public is entitled to place on them.

**Stewardship** – members should do whatever they are able to do to ensure that the Council uses its resources prudently and in

accordance with the law.

## **APPENDIX B**

### **COUNCIL PROTOCOLS RELATING TO THE CONDUCT OF MEMBERS**

- Treatment of gifts and hospitality offered to Members
- Member/Officer protocol
- Local Code of Best Practice relating to Planning Issues
- Such upgraded and or new protocols that may from time to time be agreed by the Council for addition to this list.

## **APPENDIX C**

### **DISCLOSURE BY MEMBERS OF PECUNIARY INTERESTS**

1. In accordance with Section 30(3) of the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 a pecuniary interest is a 'disclosable pecuniary interest' either if –
  - (a) it is an interest of a member, 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.
2. A member has a disclosable pecuniary interest in any business of the authority where it relates to or is likely to affect –
  - (a) Any employment, office, trade, profession or vocation carried on for profit or gain.
  - (b) Any payment or provision of any other financial benefit (other than from the 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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
  - (c) Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the authority –

- (i) under which goods or services are to be provided or works to be executed; and
  - (ii) which has not been fully discharged.
- (d) Any beneficial interest in land which is within the area of the authority.
- (e) Any licence (alone or jointly with others) to occupy land in the area of the authority for a month or longer.
- (f) Any tenancy where to the member's knowledge –
- (i) the landlord is the authority; and
  - (ii) the tenant is a body in which the relevant person has a beneficial interest.
- (g) Any beneficial interest in securities of a body where –
- (i) that body to the member's knowledge has a place of business or land in the area of the authority; and either
  - (ii) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (iii) 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.

#### **NOTE:**

For the purpose of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, the following interpretations apply:

**'member'** includes a co-opted member;

**'relevant person'** means the member or any other person referred to in 1(b) above;

**'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, or in the securities of which the relevant person has a beneficial interest;

**'director'** includes a member of the committee of management of an industrial and provident society;

**'land'** excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

**'securities'** means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## **APPENDIX D**

### **DISCLOSURE BY MEMBERS OF OTHER INTERESTS**

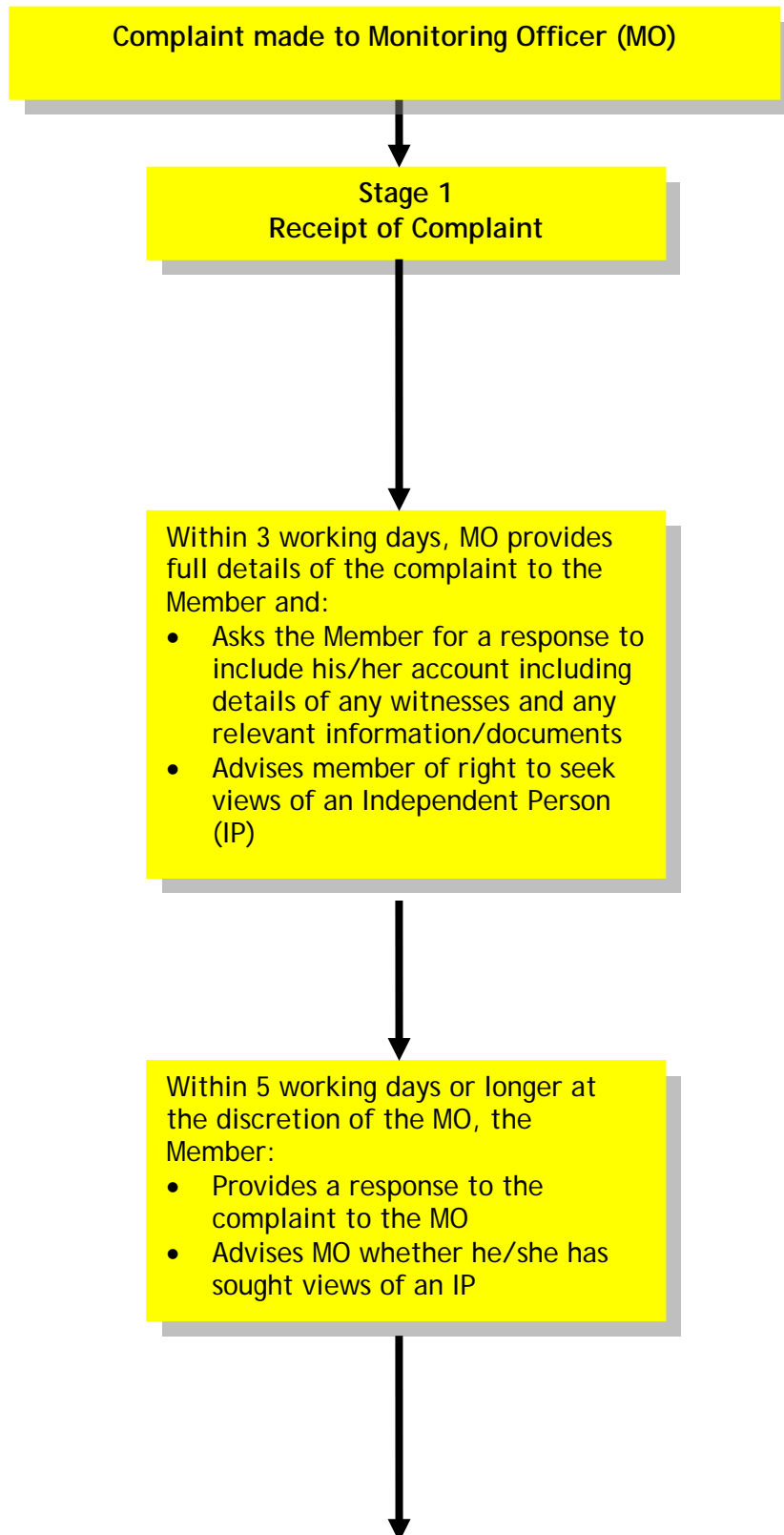
Members are required to declare their membership of outside bodies and organisations where such membership involves a position of control or significant influence on the outside body or organisation concerned.

Note - The above provision will automatically include all those outside bodies and organisations upon which the Council appoints representatives.



## APPENDIX E

### ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF BREACH OF THE CODE OF CONDUCT



**Stage 2  
Preliminary Consideration**

Within 5 working days, the Chair of the Standards Committee in consultation with the Members of the Standards Committee and MO decides whether:

- No Breach of the Code and therefore no further action to be taken
- Potential Breach and informal resolution appropriate - informal resolution to include for example mediation/conciliation; training; apology
- Potential Breach - Investigation and Hearing

No Action

Informal resolution

Investigation

Within 5 working days MO notifies Member and complainant of decision

MO arranges informal resolution

MO undertakes or arranges investigation and consults Independent Person

If Member refuses or fails to carry out the informal resolution the MO

- undertakes or arranges investigation
- advises the Member and complainant

Stage 3  
Hearing Panel  
(Standards Committee)



The Hearing Panel will:

- Consider the report of the Monitoring Officer following the investigation and make a decision as to whether there has been a breach of the Code and, if so, what action is appropriate. The Hearing will accord with the principles of natural justice, and the process will be at the discretion of the Committee.
- The Member and complainant may be asked to attend and be questioned by the Panel.



Within 5 working days MO notifies Member and complainant of the decision providing full written reasons

If the complaint is upheld, the MO:

- Issues a press statement of the decision
- Advises the Member's Group Leader of the decision

