

# Code of Conduct for Members

## 1.0 Application

- 1.1 This code applies to you whenever you are acting in your capacity as a member of this authority and it is your responsibility to comply with the provisions of this Code.
- 1.2 You are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.
- 1.3 The Code is based upon the 'Nolan Principles – the seven principles of public life' which are set out as **Appendix 1**.

## 2.0 Interpretation

- 2.1 In this Code –

“meeting” means any meeting of:

- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

“member” includes a co-opted member and an appointed member.

## 3.0 General Conduct

- 3.1 The Code applies to you whenever you are acting in your capacity as a member of the Council, including:
  - (a) at formal meetings of the Council, Executive, Committees and Sub-Committee, Joint Committees, Panels or Working Groups.
  - (b) when acting as a representative of the authority.
  - (c) in taking any decisions as an Executive Member or Ward Councillor.
  - (d) in discharging your functions as a Ward Councillor.
  - (e) at briefing meetings with officers.

(f) at site visits.

(g) when corresponding with the authority (other than in a private capacity).

3.2 When acting in your role as a member of the authority:

(a) do treat others with respect and not bully any person.

(b) do provide leadership to the authority by personal example.

(c) do not conduct yourself in a manner which is likely to bring the authority into disrepute.

(d) do use your position as a member in the public interest and not for personal advantage.

(e) 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
  - b. made in good faith and in compliance with the reasonable requirements of the authority; and
  - c. you have consulted with the Monitoring Officer prior to its release if appropriate

(f) do not prevent another person from gaining access to information to which that person is entitled to by law.

(g) when using or authorising the use by others of the resources of the authority:

1. Do act in accordance with the authority's reasonable requirements including the requirements of the authority's ICT policy, copies of which have been provided to you and you are deemed to have read;

2. Do make sure that such resources are not used improperly for political purposes (including party political purposes); and
3. Do have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

3.3 In politics, rival groupings are common, either in formal political parties or more informal alliances. It is expected that members will campaign for their ideas, and may also seek to discredit the policies and actions of their opponents. Criticism of ideas and opinion is part of the democratic debate, and does not in itself amount to failing to treat someone with respect.

3.4 Ideas and politics may be robustly criticised, but individuals should not be subject to personal attacks. This particularly applies when dealing with the public and officers.

#### **4.0 Bullying and Harassment**

4.1 You must not bully, harass or intimidate any person. This is completely unacceptable and will be considered to be a breach of the Code.

4.2 Harassment, bullying, discrimination, intimidation and victimisation (either directly or indirectly) are unacceptable and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as the wider organisation in terms of morale and effectiveness.

4.3 **Bullying** is inappropriate and unwelcome behaviour which is offensive and intimidating and which makes an individual or group feel undermined humiliated or insulted. It is the impact of the behaviour rather than the intent which is the key.

4.4 Bullying usually arises as a result of an individual misusing their power and can occur through all means of communication. Bullying can be a pattern of behaviour or can be a one-off serious incident that becomes objectionable or intimidating.

4.5 Examples of bullying behaviour are set out below (these are not exhaustive):

- unwelcome physical, verbal or non-verbal contact
- intimidating behaviour including verbal abuse or the making of threats
- making someone's work life difficult
- disparaging, ridiculing or mocking comments and remarks
- physical violence

- 4.6 **Harassment** is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated, frightened and/or uncomfortable. Harassment can be experienced directly or indirectly and can occur as an isolated incident or as a course of persistent behaviour.
- 4.7 As a Councillor you should be aware of the inherent influence your role brings and ensure that you are demonstrating respect for others and encouraging colleagues to do the same.
- 4.8 Where you have witnessed bullying and harassment you have a responsibility to speak out. You should challenge inappropriate behaviour as it happens and consider making a complaint.
- 4.9 As with bullying, even if the behaviour is unintentional, it can still be classed as a form of harassment. Harassment can occur through verbal or written comments, including those made online. Examples of harassment are set out below (these are not exhaustive):
- unwelcome physical contact such as touching or invading 'personal space'
  - inappropriate remarks or questioning such as comments about someone's appearance, lewd comments and offensive jokes (such as those of a racist, sexual or sectarian nature)
  - intrusive questioning for example on sexual orientation, religious or political beliefs (either directly or with others)
  - sending unwelcoming and/or inappropriate emails, messages or notes, circulating or displaying explicit or inappropriate images
- 4.10 Your specific duties as a Councillor:
- you should behave in accordance with the Code in all situations where you act as a councillor or are perceived as acting as a councillor, including representing the Council on official business and when using social media
  - you should treat all individuals with respect when carrying out your duties as a Councillor. You should not participate in, or condone, acts of harassment, discrimination, victimisation or bullying

## **5.0 Use of Social Media**

- 5.1 The use of Social Media (Twitter, Facebook, blogs etc) is a very effective tool for Councillors to communicate with their local communities, and taking part in social networks and interactive activity online is now a majority activity which will certainly grow.
- 5.2 The Council has a Social Media Policy which members should be familiar with and sets out how to use social media in a positive way and how to avoid pitfalls.

- 5.3 There is a difference between communicating on behalf of the Council on social media and as a private citizen, and the former will be held to a higher standard than the latter.
- 5.4 The key to whether your online activity is subject to the Code is whether you are giving the impression that you are acting as a Councillor.
- 5.5 The Code of Conduct applies equally to your online activity in the same way it applies to other verbal communication or face to face meetings.

## **6.0 Disclosable Pecuniary Interests**

You must:

- 6.1 Comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest. The statutory requirements with regards to disclosable pecuniary interests are attached as **Appendix 2** to this code.
- 6.2 Ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 6.3 Make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item or business affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent

## **7.0 Other Interests**

- 7.1 You must, within 28 days of:
  - (a) this Code being adopted by or applied to your authority; or
  - (b) your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.
- 7.2 You have a personal interest in any business of your authority where either 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—
    - (aa) exercising functions of a public nature;
    - (bb) directed to charitable purposes; or

(cc) 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) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.

7.3 You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph 5.1, notify the Monitoring Officer of the details of that new interest or change.

## **8.0 Disclosure of interests**

8.1 Subject to paragraphs 6.2 to 6.5, where you have a personal interest described in paragraphs 5.2 or 6.2 in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, 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, or when the interest becomes apparent.

8.2 (A) You have a personal interest in any business of your authority

- (i) where 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, or
- (ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.

(B) In paragraph 6.2(A), a *relevant person* is:

- (a) a member of your family or any person with whom you have a close association; or
- (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; or
- (d) any body of a type described in paragraph 5.2.

8.3 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 5.1(i) or (ii)(aa) you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

8.4 Where you have a personal interest but, by virtue of paragraph 8, sensitive information relating to it is not registered in your authority'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.

8.5 Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

## **9.0 Register of interests**

9.1 Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

## **10.0 Sensitive interests**

10.1 Where you consider that disclosure of the details 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 that 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.

## **11.0 Non-participation in case of pecuniary interest**

11.1 Where you have a personal interest in any business of your authority you also have a pecuniary 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 5.2 or 6.2; 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 paragraphs 5.2 or 6.2.

11.2 Subject to paragraphs 9.3 and 9.4, where you have a pecuniary interest in any business of your authority—

a) You may not participate in any discussion of the matter at the meeting and should leave the room during consideration of the relevant matter.

(b) You may not participate in any vote taken on the matter at the meeting.

(c) If the interest is not registered, you must disclose the interest to the meeting.

(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. In addition this Code and Standing Orders requires you to leave the room where the meeting is held while any discussion or voting takes place.

11.3 Where you have a pecuniary interest in any business of your authority, 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.

11.4. Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that 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 members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

11.5. Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

## **12.0 Interests arising in relation to scrutiny committees**

12.1 In relation to any business before a scrutiny committee of the authority (or of a sub-committee of such a committee) where-

- 12.1.1 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

12.1.2 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 sub-committee mentioned in paragraph 10.1.1 and you were present when that decision was made or action was taken;

Or

12.1.3 that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's constitution or under delegated authority from the Leader);

You may attend a meeting of the scrutiny committee of your local 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.

### **13.0 Gifts and Hospitality**

- 13.1 You must within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value of in excess of £50 which you have accepted as a member from any person or body other than the authority
- 13.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality
- 13.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

## **THE SEVEN PRINCIPLES OF PUBLIC LIFE**

### **SELFLESSNESS**

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

### **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.

### **OBJECTIVITY**

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

### **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.

### **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.

### **HONESTY**

Holders of public office should be truthful.

### **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.

### Disclosable pecuniary interests

This note explains the requirements of the Localism Act 2011 (Ss 29-34) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

#### 1 Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any '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:

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vacation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>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.</i>
<i>Contracts</i>	<i>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.</i>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>

*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.*

These descriptions on interests are subject to the following definitions;

*“the Act” means the Localism Act 2011;*

*“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;*

*“M” means a member of a relevant authority;*

*“member” includes a co-opted member;*

*“relevant authority” means the authority of which M is a member;*

*“relevant period” means the period of 12 months ending with the day on which M*  
*gives a notification for the purposes of section 30(1) or section 31(7), as the case*  
*may be, of the Act;*

*“relevant person” means M or any other person referred to in section 30(3)(b) of*  
*the Act;*

*“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme 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.*

## **2 Register of interests**

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority’s website.

## **3 Sensitive interests**

Where you consider that disclosure of the details of a disclosable pecuniary 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 that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2).

## **4 Non participation in case of disclosable pecuniary interest**

A) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

1. You may not participate in any discussion of the matter at the meeting.
2. You may not participate in any vote taken on the matter at the meeting.
3. If the interest is not registered, you must disclose the interest to the meeting.
4. 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.

Note: In addition, Standing Orders require you to leave the room where the meeting is held while any discussion or voting takes place.

B) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

## **5 Dispensations**

The authority 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.

## **6 Offences**

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register

- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.