

[Draft Version 1A submitted by ACSeS to the LGA for consideration (version 1 being a re-working of the previous code and version 2 being a pre-cursor to the issued LGA Template)]

**The Code of Conduct
for Members and Co-Opted Members**

together with

**The Rules for
Registration of Interests
and
Conflicts of Interest**

*Approved by the Council/Authority on
n. June 2012*

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The Code of Conduct for Members of [...]

Prepared pursuant to Chapter 7 of the Localism Act 2011

I. Purpose of the Code

1. The purpose of this Code of Conduct is to assist Members (including co-opted Members) in the discharge of their obligations to the Authority, their local communities and the public at large by:
 - a) setting out the standards of conduct that are expected of Members and co-opted Members of the Authority when they are acting in that capacity, and in so doing
 - b) providing the openness and accountability necessary to reinforce public confidence in the way in which Members perform those activities.

II. Scope of the Code

2. The Code applies to Members in all aspects of their activities as a Member, including when acting on Authority business, ward/division business or when otherwise purporting to act as a Member. It does not seek to regulate what Members do in their purely private and personal lives.
3. The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the Authority and the rulings of the Chair
4. The obligations set out in this Code are also complementary to, and include, those obligations which apply to Members falling within the scope of related Codes and Protocols of the Authority, specifically
 - the Protocol on Member and Officer Relations;
 - the Protocol on use of IT and equipment;
 - the Members' Planning Code; and
 - the Guidance for Members' on Licensing.

III. Public Duties of Members

5. Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act , and to act on all occasions in accordance with the public trust placed in them.
6. Members have an overriding duty to act in the interests of the [District/City/Borough/County/Authority's] area as a whole, but also have a

special duty to represent the views of the residents and communities of their [ward/division].

IV. General Principles of Conduct

7. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a [Councillor/Member], Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

“Selflessness

Holders of public office should take decisions 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 public office should not place themselves under any financial or other obligation to outside individuals or organisations that might 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.”

V. Expectations of Conduct

8. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
9. Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the Authority on the use of such expenses, allowances, facilities and services.
10. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Authority and never undertake any action which would bring the Authority, or its Members or officers generally, into disrepute.

VI. Rules of Conduct

11. Members shall in particular observe the following rules when acting as a Member or co-opted Member of the Authority and Members are informed that you:
 - (1) **Do** treat others with respect and courtesy.
 - (2) **Do not** -
 - (a) do anything which may cause your authority to breach any of its the equality duties (in particular as set out in the Equality Act 2010);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
 - (3) **Do not** use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - **Do** be aware of the requirements of the Bribery Act 2010 and that offences under the Act include the situation where a Member requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, any function of a public nature, any activity

connected with the Authority or any activity to be performed by or on behalf of the Authority or others should be performed improperly.

- (4) **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
 - (5) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
 - (6) **Do not** conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
12. Members shall observe the following rules when using the resources of the Authority, or authorising the use of those resources by others, and Members are informed that you:
- (1) **Do** act in accordance with the authority's reasonable requirements including the requirements of the authority's ITC policy and the policies listed at *[councils to insert link or reference to annexes]* which 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.
 - (4) **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of your own interests.
13. Members shall observe the following rules when making decisions on behalf of or as part of the Authority, and Members are informed that you:
- (1) **Do** have regard to any relevant advice provided to you by the Council's chief financial officer and Monitoring Officer where such advice is offered pursuant to his or her statutory duties.

- (2) **Do** give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

VII. Registration and Declaration of Interests

14. Members shall fulfil conscientiously the requirements of the Authority in respect of the registration of interests in the Register(s) of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Authority or its Committees, or in any communications with the Authority, its Members or officers as required in Part 2.

VIII. Duties in respect of the Authority's [Standards and Governance] Committee and the Monitoring Officer

15. The application and guidance on the application of this Code shall be a matter for the Authority and for the Authority's [Standards and Governance] Committee and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.
16. Members shall co-operate, at all stages, with any investigation into their conduct by or under the authority of those persons and shall not seek to intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with his or her authority's code of conduct.
17. No Member shall lobby a member of the Authority's [Standards and Governance] Committee in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code otherwise than in accordance with the arrangements laid down by the Authority.

Registration, Disclosure and Duties on Interests Held by Members and Co-Opted Members of

I. Registration of Interests

1. **Do** fulfil the requirements of the law and the Council/Authority in registering your interests in the Register of Members' Interests. These are explained on the following pages.
2. **Do** draw attention to any relevant interest, , where it is required or appropriate to do so, in any proceeding of the Council/Authority or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a member
3. **Do** approach the Authority's Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation

Part A: Disclosable Pecuniary Interests

- [as required by the Regulations]

Part B: Other Pecuniary Interests

- [Other financial interests (if any) that would qualify as grounds for bias in an application to quash a decision of the Authority]

Part C: Other Non-Pecuniary Interests

- [Other interests that would qualify as grounds for bias in an application to quash a decision of the Authority]

[Part D: Register of Gifts and Hospitality] ?

II. Disclosure and Duties in Respect of Interests Held by Members

1. Declaration of interests not included in the Register

1.1 **Do** ensure, if you have an interest that is not entered in the authority's register, that

- (i) where you are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority, you disclose the interest to the meeting (unless the authority's monitoring officer considers that it is a sensitive interest); and
- (ii) you notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure (unless it is subject of a pending notification)

1.2 **Do** then act accordingly.

2. Disclosable Pecuniary Interests

2.1 **Do** ensure, where you

- (i) are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and
- (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,

that you

- **do not** participate, or participate further, in any discussion of the matter at the meeting; and
- **do not** participate in any vote, or further vote, taken on the matter at the meeting

2.2 **Do** ensure, where you

- (i) are to discharge a function of the authority acting alone, and
- (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, in the course of discharging that function

that you

- **do not** take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).
- 2.3 **Do** make a written request made to the proper officer of the authority if you consider it appropriate that the Authority grant a dispensation relieving you from either or both of the restrictions in paragraph 2.1
- 2.4 **Do** be aware that, in respect of disclosable pecuniary interests, failing to act as required by the Localism Act (as outlined here) is a criminal offence.

3 General

- 3.1 **Do** act in accordance with the Authority's standing orders (Procedure Rules) where you
- (i) are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and
 - (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,
- 3.2 **Do** base your conduct when acting as a Member on a consideration of the public interest, avoiding conflict between your personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.