

# MEMBER CODE OF CONDUCT

## PART 1

### GENERAL PROVISIONS

#### *Scope*

1. (1) A Member must observe the Authority's code of conduct whenever he:
  - (a) conducts the business of the Authority;
  - (b) conducts the business of the office to which he has been elected or appointed; or
  - (c) acts as a representative of the Authority,and references to a Member's official capacity shall be construed accordingly.
- (2) An Authority's code of conduct shall not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a Member undertaken other than in an official capacity.
- (3) Where a Member acts as a representative of the Authority:
  - (a) on another relevant Authority<sup>1</sup>, he must, when acting for that other Authority, comply with that other Authority's code of conduct; or
  - (b) on any other body, he must, when acting for that other body, comply with the Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- (4) In this code, "Member" includes a co-opted Member of an Authority.

#### ***General Obligations***

2. A Member must:
  - (a) promote equality by not discriminating unlawfully against any person;
  - (b) treat others with respect; and
  - (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
3. A Member must not:
  - (a) disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; nor
  - (b) prevent another person from gaining access to information to which that person is entitled by law.
4. A Member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.
5. A Member:
  - (a) must not in his official capacity, or any other circumstance, use his position as a Member improperly to confer on or secure for himself or any other person, an advantage or disadvantage; and
  - (b) must, when using or authorising the use by others of the resources of the Authority:
    - (i) act in accordance with the Authority's requirements; and
    - (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or of the office to which the Member has been elected or appointed.
6. (1) A Member must when reaching decisions:

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<sup>1</sup> See Section 49(6) of the Local Government Act 2000 for the definition of "relevant authority".

- (a) have regard to any relevant advice provided to him by:
    - (i) the Authority's Chief Finance Officer acting in pursuance of his duties under Section 114 of the Local Government Finance Act 1988<sup>2</sup>; and
    - (ii) the Authority's Monitoring Officer acting in pursuance of his duties under Section 5(2) of the Local Government and Housing Act 1989<sup>3</sup>; and
  - (b) give the reasons for those decisions in accordance with the Authority's and any statutory requirements in relation to the taking of an executive decision.
- (2) In sub-paragraph (1)(b) above and in paragraph 9(2) below, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under Section 22 of the Local Government Act 2000<sup>4</sup>.

7. A Member must, if he becomes aware of any conduct by another Member which he reasonably believes involves a failure to comply with the Authority's code of conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him to do so.

## PART 2

### INTERESTS

#### *Personal Interests*

8. (1) A Member must regard himself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 14 and 15 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of the Authority's area, the well-being or financial position of himself, a relative or a friend or:
- (a) any employment or business carried on by such persons;
  - (b) any person 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 corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
  - (d) any body listed in sub-paragraphs (a) to (e) of paragraph 15 below in which such persons hold a position of general control or management.
- (2) In this paragraph:
- (a) "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
  - (b) "partner" in sub-paragraph (2)(a) above means a member of a couple who live together.

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<sup>2</sup> 1988 c.41, Section 114 was amended by Section 130(1) to (4) of the Greater London Authority Act 1999; articles 1.2(k) and 20 of S.I. 2001/2237; Section 43 and paragraph 34 of Schedule 4 to the Police and Magistrates' Court Act 1994; Section 88 of and paragraph 28 of Schedule 6 to the Police Act 1997; and Sections 128(1) and 137 of, paragraphs 45 and 48 of Schedule 6 to and Part V of Schedule 7 to the Criminal Justice and Police Act 2001.

<sup>3</sup> 1989 c.42, Section 5 was amended by articles 1, 2 and 23 of S.I. 2001/2237; Section 107 of and paragraphs 24 of Schedule 5 to the Local Government Act 2000, Sections 43 and 93 of, paragraph 35 of Schedule 4 to and Schedule 9 to the Police and Magistrates' Court Act 1994, Section 103 of and paragraph 1(2) of Schedule 7 to the Police Act 1996; Sections 127(2) and 325 of and paragraph 62 of Schedule 27 to the Greater London Authority Act 1999; and Section 120 of and Schedule 24 to the Environment Act 1995.

<sup>4</sup> 2000 c.22. See The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 S.I. 2000/3272.

### ***Disclosure of Personal Interests***

9. (1) A Member with a personal interest in a matter who attends a meeting of the Authority at which the matter is considered 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) Subject to paragraph 12(1)(b) below, a Member with a personal interest in any matter who has made an executive decision in relation to that matter must ensure that any written statement<sup>5</sup> of that decision records the existence and nature of that interest.

### ***Prejudicial Interests***

10. (1) Subject to sub-paragraph (2) below, a Member with a personal interest in a matter also has a prejudicial interest in that matter if 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 the Member's judgement of the public interest.
- (2) A Member may regard himself as not having a prejudicial interest in a matter if that matter relates to:
- (a) another relevant authority of which he is a Member;
  - (b) another public authority in which he holds a position of general control or management;
  - (c) a body to which he has been appointed or nominated by the Authority as its representative;
  - (d) the housing functions of the Authority where the Member holds a tenancy or lease with a relevant authority, provided that he does not have arrears of rent with that relevant Authority of more than two months, and provided that those functions do not relate particularly to the Member's tenancy or lease;
  - (e) the functions of the Authority in respect of school meals, transport and travelling expenses, where the Member is a guardian or parent of a child in full time education, unless it relates particularly to the school which the child attends;
  - (f) the functions of the Authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992<sup>6</sup>, where the Member is in receipt of, or is entitled to the receipt of such pay from a relevant authority; and
  - (g) the functions of the Authority in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972<sup>7</sup> or Section 18 of the Local Government and Housing Act 1989<sup>8</sup>.

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<sup>5</sup> See Regulation 4 of S.I. 2000/3272 for the requirement to make a written statement in respect of an executive decision.

<sup>6</sup> 1992 c.4, Part XI has been amended.

<sup>7</sup> 1972 c.70, Sections 173 to 176 were amended by Section 194 of and paragraphs 26 and 27 of Schedule 11 to the Local Government and Housing Act 1989; Section 7 of the Miscellaneous Financial Provisions Act 1983 (c.29); Sections 25 and 194 of and Schedule 34 to the Local Government, Planning and Land Act 1980 (c.65); Section 11(3) of and Schedule V to the Water Act 1983; Section 328 of and paragraphs 18 and 19 of Schedule 29 to the Greater London Authority Act 1999; Section 84 of and paragraph 18 of Schedule 14 to the Local Government Act 1985 and Section 237 of and Schedule 13 to the Education Reform Act 1988, Section 173A was inserted by Section 24(2) of the Local Government, Planning and Land Act 1980.

## **Overview and Scrutiny Committees**

11. (1) For the purposes of this Part, a Member must if he is involved in the consideration of a matter at a meeting of an Overview and Scrutiny Committee of the Authority or a Sub-Committee of such a Committee, regard himself as having a personal and a prejudicial interest if that consideration relates to a decision made, or action taken, by another of the Authority's:
- (a) Committees or Sub-Committees; or
  - (b) Joint Committees or Joint Sub-Committees, of which he may also be a Member.
- (2) But sub-paragraph (1) above shall not apply if that Member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

### ***Participation in Relation to Disclosed Interests***

12. (1) Subject to sub-paragraph (2) below, a Member with a prejudicial interest in any matter must:
- (a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation<sup>9</sup> from the Authority's Standards Committee;
  - (b) not exercise executive functions in relation to that matter; and
  - (c) not seek improperly to influence a decision about that matter.
- (2) A Member with a prejudicial interest may, unless that interest is of a financial nature, and unless it is an interest of the type described in paragraph 11 above, participate in a meeting of the Authority's:
- (a) Overview and Scrutiny Committees; and
  - (b) Joint or Area Committees,
- to the extent that such Committees are not exercising functions of the Authority or its Executive.
13. For the purposes of this Part, "meeting" means any meeting of:
- (a) the Authority;
  - (b) the Executive of the Authority; or
  - (c) any of the Authority's or its Executive's Committees, Sub-Committees, Joint Committees, Joint Sub-Committees, or Area Committees.

## **PART 3**

### **THE REGISTER OF MEMBERS' INTERESTS**

#### ***Registration of Financial and Other Interests***

14. Within 28 days of the provisions of an Authority's code of conduct being adopted or applied to that Authority or within 28 days of his election or appointment to office (if that is later), a Member must register his financial interests in the Authority's register maintained under Section 81(1) of the Local Government Act 2000 by providing written notification to the Authority's Monitoring Officer of:

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<sup>8</sup> 1989 c.42, Section 18 was amended by Section 99 of the Local Government Act 2000, Section 43 of and paragraph 37 to Schedule 4 of the Police and Magistrates' Court Act 1994 and Section 582(1) of and paragraph 97 of Schedule 37 to the Education Act 1996.

<sup>9</sup> Under Section 81(5) of the Local Government Act 2000, the Secretary of State may prescribe in regulations the circumstances in which standards committees may grant dispensations.

- (a) any employment or business carried on by him;
  - (b) the name of the person who employs or has appointed him, the name of any firm in which he is a partner, and the name of any company for which he is a remunerated director;
  - (c) the name of any person, other than a relevant authority, who has made a payment to him in respect of his election or any expenses incurred by him in carrying out his duties;
  - (d) the name of any corporate body which has a place of business or land in the Authority's area, and in which the Member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
  - (e) a description of any contract for goods, services or works made between the Authority and himself or a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above;
  - (f) the address or other description (sufficient to identify the location) of any land in which he has a beneficial interest and which is in the area of the Authority;
  - (g) the address or other description (sufficient to identify the location) of any land where the landlord is the Authority and the tenant is a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above; and
  - (h) the address or other description (sufficient to identify the location) of any land in the Authority's area in which he has a licence (alone or jointly with others) to occupy for 28 days or longer.
15. Within 28 days of the provisions of the Authority's code of conduct being adopted or applied to that Authority or within 28 days of his election or appointment to office (if that is later), a Member must register his other interests in the Authority's register maintained under Section 81(1) of the Local Government Act 2000 by providing written notification to the Authority's Monitoring Officer of his membership of or position of general control or management in any:
- (a) body to which he has been appointed or nominated by the Authority as its representative;
  - (b) public authority or body exercising functions of a public nature;
  - (c) company, industrial and provident society<sup>10</sup>, charity, or body directed to charitable purposes;
  - (d) body whose principal purposes include the influence of public opinion or policy; and
  - (e) trade union<sup>11</sup> or professional association.
16. A Member must within 28 days of becoming aware of any change to the interests specified under paragraphs 14 and 15 above, provide written notification to the Authority's Monitoring Officer of that change.
17. A Member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Authority's Monitoring Officer of the existence and nature of that gift or hospitality.

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<sup>10</sup> See the Industrial and Provident Society Acts 1965 to 1978 for the requirements for registration of industrial and provident societies.

<sup>11</sup> See Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 c.52 for the definition of a trade union.