

## Member Code of Conduct

### Part 1 – Provisions of the Code

#### 1.1 Interpretation

- 1) This Code applies to you as a member of the authority, when acting in that capacity.
- 2) This Code is based upon seven principles fundamental to public service, which you must have regard to, in order to comply with the Code. The seven principles are:

**Selflessness:** Members should act solely in terms of the public interest

**Integrity:** Members 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.

**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.

**Objectivity:** Members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness:** Members 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:** Members should be truthful

**Leadership:** Members 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.

- 3) It is your responsibility to comply with the provisions of this Code. If you need guidance on any matter about this Code you should seek it from the Monitoring Officer, or your own legal advisor.
- 4) It is a criminal offence to fail to notify the Monitoring Officer of a disclosable pecuniary interest, to take part in discussions or votes 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 Monitoring Officer.

- 5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding –
  - a) whether to take action in relation to you, and
  - b) what action to take
- 6) Members must comply with any reasonable request by the Monitoring Officer regarding the provision of information in relation to a complaint that alleged a breach of the Code of Conduct, and must comply with any formal standards investigation.
- 7) Members must not misuse this Code by, for example, making trivial or malicious allegations against another Member.

## **1.2 Scope**

- 1) You must comply with this Code whenever you:
  - a) conduct the business of the authority, which includes the business of the office to which you are elected or appointed; or
  - b) act, claim to act or give the impression you are acting as a representative of your authority
- 2) Where you act as a representative of your authority
  - a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## **1.3 Obligations**

- 1) **You must not:**
  - a) conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute
  - b) do anything which may cause your authority to breach any of its equality duties (in particular set out in the Equality Act 2010)
  - c) demonstrate objectively unacceptable behaviour, including, but not limited to:
    - i) bullying or harassment, including, without limitation: spreading malicious rumours, or insulting someone by word or behaviour, being offensive, intimidating, or misusing power to undermine, humiliate, denigrate or injure the recipient

- ii) copying written material, including emails, that are personally critical about someone, or continuing an email chain designed to seek to criticise someone
- iii) ridiculing or demeaning someone - picking on them or setting them up to fail, such as testing someone's knowledge, or 'putting them on the spot' in order to prove that they are inexperienced or incompetent
- iv) exclusion or victimisation, including excluding someone from a meeting that they would otherwise be entitled to attend, or ostracising someone for having not agreed with you
- v) unfair treatment, or treatment that could be perceived to be unfair
- vi) overbearing supervision or other misuse of power or position, such as not respecting the delineation of roles and responsibilities as set out in the Member / Officer protocol, for example repeat emails to a junior officer requesting updates
- vii) making threats or comments about job security, such as asking someone when they were considering retirement
- viii) deliberately undermining a competent employee by overloading or constant criticism, either in meetings or in written format, or indirectly in the media, or with residents
- ix) preventing individuals progressing by intentionally blocking promotion or training opportunities, as a consequence of your perception of something that they had done
- x) invading someone's personal space, by standing or sitting too close to them
- xi) speaking, or writing to someone in an overbearing manner, seeking to highlight or correct minor inconsequential matters
- xii) using aggressive body language, such as pointing, or preventing access to a room or preventing access to documentation
- xiii) undermining or belittling someone, by seeking an alternative view from someone at another authority or elsewhere for the specific purpose of undermining someone at the Council
- xiv) unwelcome advances - touching, standing too close, asking for favours, making a decision on the basis of advances being accepted or rejected
- xv) making abusive, derogatory, patronising, suggestive or sexualised comments or sounds, particularly in meetings which are webcast, or on voicemails
- xvi) making jokes or insulting gestures or facial expressions, what you may identify as a joke may not be perceived as a joke by others
- xvii) ridicule, for example mocking the way something has been written or said and repeatedly mentioning it thereafter
- xviii) offensive e-mails, tweets or comments on social networking sites, where you are acting in your role as a Member
- xix) trolling via social networking sites, where you are acting in your role as a Member
- xx) threats of aggression or intimidation, such as seeking to persuade someone to change their opinion or, in the case of a Member, the way they were considering voting
- xxi) making false and malicious assertions, such as commenting on perceived pecuniary interests of Members, or emphasising some information that you do not know to be true
- xxii) intrusive questioning about private matters, such as someone's relationship status, pastimes or private interests

- xxiii) display of offensive material, or material that may be perceived as offensive by a designated group of people, such as the wearing of offensive badges, ties or clothing, or by the posting of written material on social media or in hard copy format
  - xxiv) comments on dress or appearance, even when you think that would be complementary
  - xxv) any of the behaviours listed above, occurring separately or cumulatively.
- d) Intimidate or improperly influence or attempt to intimidate or improperly influence 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 the Code; or
- e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority
- f) use your position as a Member improperly to confer on or secure for yourself or any other person an advantage or disadvantage
- g) prevent another person from gaining access to information to which that person is entitled by law
- h) 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 the 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

## **2) You must**

- a) treat others with respect, and robustly challenge poor behaviour of other Members, including, but not limited to the behaviours set out at 1) 3) c), above.
- b) when using or authorising the use by others of the resources of the authority
  - i) act in accordance with the authority's reasonable requirements
  - ii) act in compliance with the requirements of the Bribery Act 2010
  - iii) ensure that such resources are not used improperly for political purposes; and
  - iv) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

c) when reaching decisions on any matter, have regard to any advice provided to you by

- i) the Chief Finance Officer
- ii) the Monitoring Officer

where that officer is acting pursuant to their statutory duties

d) give reasons for all decisions in accordance with statutory requirements and any reasonable additional requirements required by the authority.

## Part 2 – Interests

### 2.1 Personal Interests

- 1) The interests described in paragraphs 3 and 4 are your **personal interests**, and the interests described in paragraph 5 are your **pecuniary interests** which are **disclosable pecuniary interests** as defined by section 30 of the Localism Act 2011.
- 2) If you fail to observe Parts 2 and 3 of the Code in relation to your interests –
  - a) The authority may deal with the matter in accordance with paragraph 1, 5) of this Code
  - b) If the failure relates to a disclosable pecuniary interest, you may also become subject to criminal proceedings as described in paragraph 1, 4)
- 3) You have a personal interest in any business of your authority where either –
  - 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; or
      - 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 are in a position of general control or management
    - iii. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25; or
  - b) a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a **relevant person** to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the Ward, affected by the decision
- 4) A **relevant person** is –
  - a) a member of your family or a close associate; 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 3 a i) or ii)

### Disclosable pecuniary interests

- 5) You have a **disclosable pecuniary interest** as defined by section 30 of the Localism Act 2011 in any business of your authority where i) you or ii) your partner (which means your 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) has an interest as described below:

Interest	Description
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 a Member in carrying out duties as a Member, or toward the election expenses of a Member. This includes and 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 executive; and b) which has not been fully discharged.
Land	Any beneficial interest in land which is with the area of the relevant authority.
Licenses	Any license (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 the Member'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 or place where a) that body, to the Member'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 issues 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 exceeds one hundredth of the total issued share capital of that class.

- 6) In paragraph 5, any interest which your partner may have is only treated as your interest if you are aware that your partner has the interest.

### Gifts and Hospitality

- 7) A Member must, within 28 days of receiving any gift, benefit, 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.

## 2.2 Disclosure of Personal Interests

- 1) Subject to paragraphs 2-5 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. This applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 3) Where you have a personal interest but, by virtue of paragraph 3.2, 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 and, if so applicable, that it is a disclosable pecuniary interest, but need not disclose the sensitive information to the meeting.
- 4) Subject to paragraph (5 (1) b) , where you have a personal interest in any business of your authority and you have made an executive decision (in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000) on any matter in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

### **3. Prejudicial Interest**

- 1) Subject to paragraph 2, where you have a personal interest in any business of your authority, you also have a prejudicial interest in that business where either:
  - a) the interest is a disclosable pecuniary interest as described at 5 above; or
  - b) 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 judgment of the public interest.
- 2) For the purposes of paragraph (3(1)) above, 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 (2.1(5));
  - 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 (2.1(5)); or
  - 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
    - 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

#### **4. Interests arising in relation to the Overview and Scrutiny function**

You also have a personal interest in any business before an overview and scrutiny committee of your authority (or a sub-committee) where

- a) that business relates to a decision made (whether implemented or not) or action taken by the Executive, or another committee of the authority; and
- b) at the time the decision was made or action was taken, you were a Member of the Executive, or committee, and you were present when that decision was made or action was taken.

#### **5. Effect of Prejudicial Interests on Participation**

1) Subject to paragraphs 2 and 3 below, where you have a prejudicial interest in any matter in relation to the business of the authority

- a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter is being held
  - i) in a case where paragraph 2 below applies, immediately after making representations, answering questions or giving evidence;
  - ii) in any other case, whenever it becomes apparent that the matter is being considered at that meeting;

unless you have obtained a written dispensation from the Monitoring Officer or Standards Committee

- b) you must not exercise Executive functions in relation to that matter; and
- c) you must not seek improperly to influence a decision about that matter.

2) Where you have a prejudicial interest in any business of your authority which is not a disclosable pecuniary interest as described in paragraph (2.1(5)), you may attend a meeting (including a meeting of the Overview and Scrutiny committee) but only for the purposes 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.

3) Where you can have a prejudicial interest which is not a disclosable pecuniary interest as described in paragraph (2.1(5)), arising solely from membership of any body described in (2.1 (3)(a)(i)) or (2.1(3)(a)(ii)(a)) then you do not have to withdraw from the room or chamber and may make representations to the committee but may not participate in the vote.

### **Part 3 - Registration of Interests**

#### **3.1 Registration of Members' Interests**

1) Subject to section 2 below, you must, within 28 days of

- a) this Code being adopted by the authority; or



- b) your election or appointment to office (where that is later), register in the register of Members' interests details of –
  - i) your personal interests where they fall within a category mentioned in paragraph (2.1)(3)(a) and
  - ii) your personal interests which are also disclosable pecuniary interests where they fall within a category mentioned in paragraph (2.1)(5)

by providing written notification to the Monitoring Officer

- 2) You must, subject to section 2 below, within 28 days of becoming aware of any new personal interest falling within paragraph (3.1(1)(b)(i)) or (3.1(1)(b)(ii)) or any change to a personal interest registered under paragraph (3.1(1)(b)(i)) or (3.1(1)(b)(ii)), register details of that new personal interest or change by providing written notification to the Monitoring Officer.

### **3.2 Sensitive Information**

- 1) Where you consider that the information relating to any of your personal interests is sensitive information, and the Monitoring Officer agrees, the Monitoring Officer shall not include the details of the interest on any copies of the register of Members' 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.
- 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.

## **Part 4 – Dispensations**

- 1) The Standards Committee, or the Monitoring Officer may, on written request made to the Monitoring Officer by a Member, grant a dispensation relieving the Member from either, or both, of the restrictions in paragraph (5 (1)(a)) (restrictions on participating in discussions and in voting), in cases described in the dispensation.
- 2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Committee or the Monitoring Officer
  - a) considers that without the dispensation, the number of persons prohibited by paragraph 12 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
  - b) considers that without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
  - c) considers that granting the dispensation is in the interests of persons living in the area of the authority
  - d) considers that without the dispensation each Member of the Executive (where the matter is an Executive function) would be prohibited by part 2 (3) from participating in any particular business to be transacted by the Executive; or
  - e) considers that it is otherwise appropriate to grant a dispensation.

- 3) A dispensation must specify the period for which it has effect, and the period specified may not exceed 4 years.
- 4) Part 2 (3) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

## **Part 5 – Council Tax Arrears**

- 1) Section 106 of the Local Government Finance Act 1992 restricts the rights of Members who are two months or more in arrears with their Council Tax payments. Any such Member must disclose the fact and must not vote at any meeting on decisions being taken which might affect the level of Council Tax or the arrangements for administering it. Failure to comply is a criminal offence.

## **Annex to this code – definitions**

'Authority' means Reigate and Banstead Borough Council

'Code' means this Code of Conduct

'Committee' includes any sub-committee, or other body, howsoever named, discharging the function of a Committee for the timebeing

'co-opted member' means a person who is not a member of the authority but who:

- a) is a member of any committee or sub-committee of the authority
- b) is a member, and represents the authority on, any joint committee of the authority

and who is entitled to vote on any question that falls to be decided at any meetings of that Committee

'meeting' means any meeting of

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

'Member' includes a co-opted Member

'register of Members' interests' means the authority's register of Members' pecuniary and other interests established and maintained by the Monitoring Officer under section 29 of the Localism Act 2011.