

# CONSTITUTION

## PART 5 – MEMBERS’ CODE OF CONDUCT

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Code of Conduct

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# ASHFIELD DISTRICT COUNCIL

## MEMBERS' CODE OF CONDUCT

### Introduction

This Code applies to you as a Member or Co-opted Member of this Authority when you act in your role as a Member or Co-opted Member and it is your responsibility to comply with the provisions of this Code.

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 action can have both positive and negative impacts on the Authority.

This Code is based upon the "Nolan Principles – the seven principles of public life" which are set out below:

### The Seven Principles of Public Life

#### Selflessness

Holders of public office should act 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 seek to 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.

## **Interpretation**

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, or joint sub-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 Elected Member.

## **Scope**

1.1. You must comply with this Code whenever you:

- (a) conduct the business of the Authority; or
- (b) act, claim to act or give the impression you are acting as a representative of the Authority; or
- (c) act as a representative of the Authority.

and references to your official capacity are construed accordingly.

1.2 This Code does not have effect in relation to your conduct other than where it is in your official capacity.

## **General Obligations**

2. When acting in your role as a Member of the Authority:

2.1 **Do** treat others with respect.

2.2 **Do not** conduct yourself in a manner which is contrary to the Authority's duty to promote and maintain high standards of conduct by members.

2.3 **Do not** bully any person.

2.4 **Do not** intimidate or attempt to intimidate any person who is or is likely to be:-

- (a) a complainant;
- (b) a witness;
- (c) 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, the Authority.

2.5 **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:

- (a) you have the consent of a person authorised to give it;
- (b) you are required by law to do so;
- (c) 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
- (d) the disclosure is:
  - (i) reasonable and in the public interest; and
  - (ii) made in good faith and in compliance with the reasonable requirements of the Authority; and
  - (iii) you have consulted the Monitoring Officer prior to its release.

2.6 **Do not** prevent another person from gaining access to information to which that person is entitled by law.

2.7 **Do not** conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.

2.8 **Do not** improperly use knowledge gained solely as a result of your role as a Member for the advancement of yourself, your friends, your family members, your employer or your business interests.

3. When using or authorising the use by others of the resources of the Authority:

3.1 **Do** act in accordance with the Authority's reasonable requirements including the requirements of the Authority's ICT policy, a copy of which has been provided to you and which you are deemed to have read;

3.2 **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and

- 3.3 **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

## Training

- 4.1 You must attend the mandatory training set out in Appendix C and any other training the Council may deem is required from time to time.
- 4.2 You must attend the training detailed in 4.1 as soon as reasonably practicable:
- (a) after your election; and
  - (b) after your re-election;
  - (c) after your appointment to a relevant Committee or Sub-Committee; and
  - (d) as required after changes in legislation, policy or procedure affecting the relevant Committee or Sub-Committee outlined above; and/or
  - (e) as frequently as set out in Appendix C.
- 4.3 You must attend training if you are instructed to do so by a Standards Hearing Sub-Committee. If you fail to do so after 3 months or having been offered training on two occasions the fact of your failure will be reported to the Standards and Personnel Appeals Committee.

## Pre determination or bias

- 5.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as Member, however **do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- 5.2 When making a decision, **do** consider the matter with an open mind and on the contents before the meeting at which the decision is to be taken. When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
- (a) your Authority's Chief Finance Officer; or
  - (b) the Monitoring Officer, where that officer is acting pursuant to his or her statutory duties.

## Interests

6. As a public figure, your public role, may, at times, overlap with your personal and/or professional life and interests, however, when performing your public role as a member, **do** act solely in terms of the public interest and **do not** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.

## Disclosable Pecuniary Interests

7. The Regulations detailing the precise nature and circumstances where a specified pecuniary interest must be disclosed are set out in Appendix A of this Code.

8. **Do** make a verbal declaration of the existence and nature of any Disclosable Pecuniary Interest at any meeting at which you are present at which an item of business which 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 (unless the interest is a sensitive interest in which event you need not disclose the nature of the interest).

### **Disclosable Personal Interests**

9. You have a Disclosable Personal Interest where you are a member of any body which is a private club or society, such as the Freemasons, a recreational club, working men's club or private investment club.
10. You must publically disclose the Disclosable Personal Interest on the Register of Interests and make a verbal declaration of the existence and nature of that Interest at any meeting at which you are present at which an item of business which 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 (unless the interest is a sensitive interest in which event you do not need to disclose the nature of the interest).

### **Non Disclosable Pecuniary/Other Interests**

11. You have a "Non Disclosable Pecuniary Interest" or "Other Interest" in an item of business of the Authority where:
  - (a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you, or a member of your family, or a person with whom you have a close association to a greater extent than it would affect the majority of the inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area; or
  - (b) it relates to or is likely to affect any of the interests listed in Appendix A to this Code, but in respect of a member of your family (other than your spouse, civil partner or person with whom you are living as spouse or civil partner) or a person with whom you have a close association.

and that interest is not a Disclosable Pecuniary Interest.

12. You are required to declare and register any gifts and hospitality accepted in excess of an estimated value of £50.00 (Fifty Pounds). You are required to declare gifts/hospitality over this amount but which were declined.
13. There are some decisions that your Authority will need to make that could affect every Member. A list of these is set out at Appendix B. **You may** take part in these decisions *unless* you fall into one of the exceptions set out in the list.

### **Registration of Interests**

14. Within 28 days of this Code being adopted by the Authority, or your election as a

Member or appointment as a Co-opted Member (where that is later), you must register all interests which fall within the category of Disclosable Pecuniary Interests and Disclosable Personal Interests.

15. Upon your the re-election as a Member or your re-appointment as a Co-opted Member, you must within 28 days re-register any interests within the category of Disclosable Pecuniary Interests and Disclosable Personal Interests.
16. You must register any change to a Disclosable Pecuniary Interest, a Disclosable Personal Interest or new interest within 28 days of becoming aware of it.
17. You need only declare to the Monitoring Officer, any interest you believe to be a "sensitive interest". A sensitive interest is one which, if disclosed on the public register, could lead to you or a person connected with you being subject to violence or intimidation.

## **Sanctions**

18. If you are found to have been in breach of this Code the Hearing Sub-Committee may impose one or more of the following sanctions:
  - a) Censure or reprimand the member;
  - b) Publish its findings in respect of the member's conduct;
  - c) Report its findings to Council or to the Parish Council, or both for information;
  - d) Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
  - e) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
  - f) Recommend to Council that the member be replaced as Executive Leader'
  - g) Instruct the Monitoring Officer to or recommend that the Parish Council arrange training for the member;
  - h) Remove or recommend to the Parish Council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority or by the Parish Council;
  - i) Withdraw or recommend to the Parish Council that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
  - j) Exclude or recommend that the Parish Council exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Sub-Committee has no power to suspend or disqualify the member or to withdraw member's allowances or special responsibility allowances.

## SCHEDULE OF DISCLOSABLE PECUNIARY INTERESTS

Subject	Prescribed Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (c52).</p>
Contracts	<p>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:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	<p>Any tenancy where (to M's knowledge):</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>



## APPENDIX B

Where the decision referred to in Clause 11 above relates to one of the functions of the Authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) housing, where you are a tenant of your Authority *unless* those functions 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;
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

## APPENDIX C

### MANDATORY TRAINING

Training	Scope	Frequency
Planning Committee	<p>Planning legislation and case law. Local Plan policies. Procedures. Role on Planning Committee.</p> <p>Role of a Member of Local Planning Authority</p> <p>Planning Code of Good Practice</p> <p>Relationship to Members' Code of Conduct</p> <p>Development proposals and Interests under Members' Code of Conduct</p> <p>Fettering Discretion in the Planning Process</p> <p>Lobbying of and by Councillors</p> <p>Contact with applicants, developers and objectors</p> <p>Role of Officers</p> <p>Decision Making</p> <p>Public Speaking at Meetings</p> <p>Site Visits</p> <p>How to determine Planning Applications</p>	<p>Prior to sitting on Planning Committee minimum of every two years. Refresher training may be given more frequently.</p>
Licensing Committee and its Sub-Committees	<p>Licensing legislation, policies and procedures relevant to the remit of the Committee and its Sub-Committees.</p> <p>General Principles of each Act</p> <p>Role of Members</p> <p>Ward Member Role</p> <p>Licensing Objectives</p> <p>Determining Licensing Applications</p>	<p>Prior to sitting on the Committee or its Sub-Committees minimum of every four years.</p>
Chief Officers Employment Committee and the Interview and Appraisal Sub-Committee	<p>Recruitment and selection.</p> <p>Appraisals</p> <p>Legislation, policies and practice within the remit of the Committee and its Sub-Committee</p>	<p>Prior to sitting on the Committee or its Sub-Committee occasional refresher training may be given.</p>
Standards and Personnel Appeals and its Sub-Committees	<p>Legislation, case law, policies and procedures relevant to the remit of the Committee and its Sub-Committees</p>	<p>Prior to sitting on the Committee or its Sub-Committees minimum of every four years.</p>
Code of Conduct / Ethical Governance	<p>Understanding of the Members' Code of Conduct and the governance of the Council.</p> <p>Responsibilities and role as a Councillor.</p> <p>Outline of Constitution</p> <p>Promoting and maintaining high standards of conduct by Members</p>	<p>At the point of election and on subsequent re-election(s)</p>

	Code of Conduct (including Gifts and Hospitality) The Register of Interests Protocols Guidance Dispensations Political Publicity – rules Data Protection Freedom of Information	
Equalities and Diversity	To tackle discrimination and social exclusion, promote equality of opportunity and foster good relations between all.	After each election.
Safeguarding	To provide guidance and advice to elected Members on; <ul style="list-style-type: none"> <li>• roles and responsibilities in relation to safeguarding children and vulnerable adults and</li> <li>• how Members should raise any concerns and receive assurance about children and adults who may be at risk.</li> </ul>	Every 2 years.
Lone Worker	Ensuring Members keep themselves safe	After election or re-election. Refresher (online) annually.
Fraud Awareness	To raise awareness of where fraud may occur in District Councils and what actions should be taken.	After each election and bi-annually thereafter.
Chairperson (if appointed as a Chair)	To ensure that Members appointed to Chairmanships have the required knowledge, skills and attributes needed to become an effective Chairman.	Following initial appointment to position and subject to previous training or experience.