

## CODE OF CONDUCT FOR MEMBERS

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# BOROUGH COUNCIL OF CALDERDALE

## CODE OF CONDUCT FOR MEMBERS

*Adopted by the Council on 27<sup>th</sup> September 2012, and incorporating amendments approved by the Council to 27<sup>th</sup> November 2013)*

This Code applies to elected Members and voting co-opted Members of the Council in all aspects of their public life. This means that the Council expects Members to follow this Code when they are conducting the work of the Council, representing the Council on any external organisation, and otherwise acting in their official capacity. The Code of Conduct does not apply to what Members do in their purely private and personal lives.

For the purposes of the Code of Conduct when Members are engaging in political activities such as canvassing for re-election they are not acting in their official capacity, and such political activities are considered part of a Member's private and personal life.

### Part One - Standards of Conduct

- 1.1 Members must have regard to, and act in accordance with, the following standards of conduct:

#### **Selflessness**

Members should serve only in the public interest, and should never improperly confer an advantage or disadvantage on any person, organisation or group, or any other third party.

#### **Honesty and Integrity**

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should avoid the appearance of such behaviour.

#### **Objectivity**

Members must make decisions based on the information before them, having had regard to any professional advice provided to them and in accordance with their view of the public interest.

Members should make decisions on merit, this includes when making appointments, awarding contracts, or recommending individuals for awards or other recognition.

#### **Accountability**

Members are accountable to the public for their decisions and actions and the manner in which they carry out their duties. Members must co-operate fully and honestly with any scrutiny appropriate to their office.

Members should not undertake any action which would bring the Council, their position, or the position of Members generally, into disrepute.

## **Openness**

Members must be as open as possible about their actions and those of the Council, and should be prepared to give reasons for those actions.

## **Leadership**

Members must promote and maintain high standards of conduct by supporting these principles by leadership and by example, and should act in a way that secures or preserves the confidence of others.

- 1.2 Members must have due regard to the impartiality and integrity of the authority's statutory officers and its other employees. Members may express themselves robustly in representing their or their constituents' views, although where a Member engages in a sustained or systematic challenge of an employee which is unfounded or in any other way unreasonable, such conduct would fall within the scope of this Code. However, an unintentional remark, made in isolation, is unlikely to amount to a failure to comply with the Code of Conduct.
- 1.3 Members must also have regard to, and act in accordance with, any supplementary guidance or protocols agreed by the Council from time to time.

## **Part Two – Registration and Disclosure of Interests**

### **2.1 Registration of Interests**

- 2.1.1 Within 28 days of election or co-option, a Member must notify the Monitoring Officer of any 'disclosable pecuniary interests' and 'registerable personal interests' which they have at that time. The Monitoring Officer must enter these interests into the Register of Member's Interests, which will be made available for public inspection and published on the Council's website.
- 2.1.2 Where a Member is re-elected or re-appointed, notification is only required of any new disclosable pecuniary interests or new registerable personal interests within 28 days of the election or co-option.
- 2.1.3 A Member must keep their entry in the Register of Member's Interests up to date by notifying the Monitoring Officer of any changes to their disclosable pecuniary interests or registerable personal interests within 28 days of the change occurring, or the Member becoming aware of the change.
- 2.1.4 Failure to do so, or to provide false or misleading information, is a criminal offence which, if proven could lead to a Member being fined or disqualified from office by a Court.
- 2.1.5 A '**disclosable pecuniary interest**' is  
*(as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012)*

<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	<p>Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by a Member in carrying out their duties as a Member, or towards the election expenses of a Member.</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.</p>
<b>Contracts</b>	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council –</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>
<b>Land</b>	Any beneficial interest in land which is within the area of the Council.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
<b>Corporate tenancies</b>	<p>Any tenancy where (to a Member's knowledge) -</p> <p>(a) the landlord is the Council; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
<b>Securities</b>	<p>Any beneficial interest in securities of a body where -</p> <p>(a) that body (to a Member'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</p>

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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.

2.1.6 A pecuniary interest is a 'disclosable pecuniary interest' in relation to a Member if it is of a type described in paragraph 2.1.5 above, and either:

- (a) it is an interest of the Member, or
- (b) it is an interest of a relevant person which is -
  - (i) a Member's spouse or civil partner, or
  - (ii) a person with whom a Member is living as husband and wife, or
  - (iii) a person with whom a Member is living as if they were civil partners,

and that the Member is aware that that other person has the interest.

2.1.7 A '**registerable personal interest**' is  
(as defined by the Council on 27<sup>th</sup> November 2013)

**Close family member – self employment, owner of a business or partner in a business** – Any contract of the business for the supply of goods, services or work to the Council, and any licence agreements, tenancy agreements, management contracts, leasing agreements, loans, guarantees or grants to which the Council is a party.

**You or a close family member – controlling interest in a company through a majority shareholding** – Any contract of the company for the supply of goods, services or work to the Council, and any licence agreements, tenancy agreements, management contracts, leasing agreements, loans, guarantees or grants to which the Council is a party.

**Membership of body – influence of public opinion or policy** – Membership of any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

2.1.8 Close family members are those who may be expected to bear influence on or be influenced by, Members due to their close family relationship. They include:

- (a) children and spouse/domestic partner
- (b) children of a spouse/domestic partner
- (c) dependents of a spouse/domestic partner

## **2.2 Sensitive Interests**

2.2.1 If the nature of an interest is such that a Member and the Monitoring Officer consider that disclosure of the details of the interest could lead to the Member, or a person connected with the Member, being subject to violence or intimidation, the interest must not be included in any published version of the Register of Interests, or be entered into any copy of the register that is made available for public inspection.

2.2.2 Instead, the Register of Interests may state that the Member has an interest the details of which are withheld under section 32(2) of the Localism Act 2011.

2.2.3 If the Member is required to disclose such an interest in a meeting, the Member need not disclose the interest, but merely the fact that the Member has a disclosable pecuniary interest or registerable personal interest in the matter concerned.

## **2.3 Disclosure of Disclosable Pecuniary Interests at Meetings**

2.3.1 The following provisions apply if a Member is present at a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the Council, or a meeting of the Cabinet or a committee of the Cabinet, and the Member is aware that they have a disclosable pecuniary interest in a matter to be considered, or being considered, at the meeting.

2.3.2 If the interest is entered in the Council's Register of Member's Interests, the Member must disclose the interest to the meeting (unless the interest is a sensitive interest).

2.3.3 If the interest is not entered in the Council's Register of Member's Interests, the Member must disclose the interest to the meeting (unless the interest is a sensitive interest).

2.3.4 If the interest is not entered in the Council's Register of Member's Interests and is not the subject of a pending notification, the Member must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.

**2.3.5 Where a Member has disclosed a disclosable pecuniary interest they must not:**

- (a) participate, or participate further, in any discussion of the matter at the meeting,
- (b) participate in any vote, or further vote, taken on the matter at the meeting (*unless the Member has requested and been granted a relevant dispensation by the Standards Committee*), or
- (c) remain in the room where the meeting is taking place during the discussion or vote on the matter.

2.3.6 Failure to disclose a disclosable pecuniary interest, or the provision of false or misleading information, is a criminal offence which, if proven could lead to a Member being fined or disqualified from office by a Court.

**2.4 Disclosure of Registerable Personal Interests and Other Interests at Meetings**

2.4.1 Where a Member is present at a meeting of the Council, or any committee, sub-committee, joint committee or joint sub-committee of the Council, or a meeting of the Cabinet or a committee of the Cabinet, and identify a registerable personal interest, or any other interests which they feel should be declared in the public interest, such interests should be declared to the meeting.

2.4.3 In such circumstances the Member must consider whether their continued participation in the matter relating to their interest would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests in the matter under discussion.

2.4.4 Where a decision affects all Members of the Council and it relates to one of the functions of the Council set out below, and the condition which follows that function does not apply to a Member when making that decision, a Member may participate in the decision:

- (i) housing, *where the Member is a tenant of the Council, unless those functions relate particularly to the Member's tenancy or lease;*
- (ii) school meals or school transport and travelling expenses, *where the Member is 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 the Member is in receipt of, or is entitled to the receipt of, such pay;*
- (iv) an allowance, payment or indemnity given to Members;

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- (v) any ceremonial honour given to Members; and
- (vi) setting the Council Tax or a precept under the Local Government Finance Act 1992.

### **Part Three – Other**

#### **3.1 Pre-determination or Bias**

Where a Member has been involved in campaigning in their political role on an issue which does not impact on their personal and/or professional life they should not be prohibited from participating in a decision in their role as a Member. However, a Member should not place them self under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

#### **3.2 Allegations of a Failure to Comply with the Code of Conduct**

All complaints alleging a failure to comply with this Code will be considered in accordance with the procedure agreed by the Council.