

PART 5A - THE COUNCIL'S CODE OF CONDUCT FOR MEMBERS

1. Introduction

- 1.1 This Code of Conduct ("the Code") has been adopted by the Council as required by Section 27 of the Localism Act 2011 ("the Act").
- 1.2 The Council has a statutory duty under the Act to promote and maintain high standards of conduct by members and co-opted members of the Council ("Members") and the Code sets out the standards that the Council expects Members to observe.
- 1.3 The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time.
- 1.4 The Code is consistent with the following principles (the Nolan Committee's Seven Principles of Public Life):

Selflessness
Integrity
Objectivity
Accountability
Openness
Honesty
Leadership

2. Who does the Code apply to?

- 2.1 The Code applies to all members of the Council and to all co-opted members of any committee, sub-committee or joint committee of the Council.

3. When does the Code apply?

- 3.1 The Code applies whenever a person is acting in his/her official capacity as a member of the Council or co-opted member in the conduct of the Council's business or acting as a representative of the Council.

4. What standards of conduct are Members expected to observe?

Selflessness

- 4.1 Members must always act in the public interest.
- 4.2 Members must never use their position as a member of the Council improperly to secure for themselves, or any other person, an advantage or disadvantage.
- 4.3 Members must not use the Council's resources improperly for personal or party political purposes.

Integrity

- 4.4 Members must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- 4.5 Members must not disclose information given to them in confidence.

Objectivity

- 4.6 When making decisions on behalf of the Council, including awarding contracts or making appointments, Members must do so on merit.
- 4.7 Members must have regard to any relevant advice provided to them by the Council's officers and, in particular, the Head of Paid Service, the Chief Financial Officer and the Monitoring Officer, where such advice is provided pursuant to their statutory duties.

Accountability

- 4.8 Members must act in accordance with their legal obligations, including the following Acts of Parliament that confer special obligations on elected councillors:

- Local Government Act 1972
- Employment Rights Act 1996
- Data Protection Act 1998
- Freedom of Information Act 2000
- Bribery Act 2010
- Equality Act 2010
- Localism Act 2011

- 4.9 Members must act in accordance with the Council's policies and reasonable requirements, including any protocols and codes of practice that may apply (e.g. in respect of Member/Officer Relations, ICT, Member Allowances etc).

Openness

- 4.10 Members must give reasons for any decisions taken on behalf of the Council in accordance with any statutory requirements and the Council's Constitution.
- 4.11 Members must not prevent another person from gaining access to information to which that person is entitled by law.

Honesty

- 4.12 Members must declare any disclosable pecuniary interests or conflicts of interest that may arise in respect of their responsibilities as a member of the Council.
- 4.13 Members must at all times ensure that their claims for expenses, allowances, and their use of facilities and services provided by the Council, are strictly in accordance with the rules laid down on these matters.

Leadership

- 4.14 Members must set an example by their behaviour and shall act in a way that enhances public trust and confidence in the integrity of the Council and its members.
- 4.15 Members must show respect and courtesy to others.
- 4.16 Members should value the Council's officers and work alongside them to achieve the Council's objectives.
- 4.17 In their dealings with the Council's employees, Members must have regard to the Council's Protocol on Member/Officer Relations and on no account should they behave in a manner that might constitute bullying.

5. Register of Interests

- 5.1 The Council's Monitoring Officer maintains a register of interests of members and co-opted members of the Council.

- 5.2 The Council has determined which interests Members are required to enter in the register of interests, including those disclosable pecuniary interests prescribed by regulations. These interests are listed in Part 5A Appendix A of the Council's Constitution.
- 5.3 Members must notify the Council's Monitoring Officer of any disclosable pecuniary and non-pecuniary interests that should be recorded in the Council's register of interests.
- 5.4 On taking office, all Members must submit to the Monitoring Officer a list of their disclosable interests and must notify the Monitoring Officer of any changes as and when they arise.
- 5.5 As an over-riding obligation, Members are required to abide by the law and the Nolan Committee's Seven Principles of Public Life in determining whether any additional interests should be disclosed.
- 5.6 Members must disclose, when they are present at meetings of the Council, the Executive and all committees, sub-committees and joint committees, if they have a pecuniary or other interest in an item of business on the agenda of the meeting and the nature of that interest, and where the interest constitutes a disclosable pecuniary interest, to withdraw from the meeting during consideration of that item of business. A dispensation has been granted in respect of Member representations prior to leaving the meeting, the details of which are set out in Appendix A, Schedule 1 paragraph 2.

DISCLOSABLE PECUNIARY INTERESTS

1. Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member of Central Bedfordshire Council, Members must notify the Monitoring Officer of any ‘disclosable pecuniary interests’.

A ‘disclosable pecuniary interest’ is an interest of yourself or your partner (which means 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) within the following descriptions:

<i>Interest</i>	<i>Description</i>
Employment, office, trade, profession or vacation	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 M in carrying out duties as a Member, or towards the election expenses of M. This includes any 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 executed; and (b) which has not been fully discharged.
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	Any tenancy where (to M'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 where— (a) that body (to M'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 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.

These descriptions on interests are subject to the following definitions:

- “the Act” means the Localism Act 2011
- “body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest
- “director” includes a member of the committee of management of an industrial and provident society
- “land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income
- “M” means the person M referred to in section 30 of the Act
- “Member” includes a co-opted member
- “relevant authority” means the authority of which M is a member

- “relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act
- “relevant person” means M or any other person referred to in section 30(3)(b) of the Act
- “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

2. Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority’s website.

3. Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

4. Non participation in case of disclosable pecuniary interest

If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

- you may not participate in any discussion of the matter at the meeting
- you may not participate in any vote taken on the matter at the meeting
- if the interest is not registered, you must disclose the interest to the meeting
- if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, you are required to leave the room where the meeting is held while any discussion or voting takes place.

Where an Executive Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the Executive Member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

5. Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

The details of dispensations are set out in Schedule 1 below.

6. Offences

It is a criminal offence to:-

- fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- as an Executive Member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest
- knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Schedule 1

Dispensations to Members of the Council

1. A general dispensation has been approved and granted to all members of the Council under section 33 of the Localism Act 2011 allowing them to participate and vote at meetings when the following items of business are under discussion:
 - (a) an allowance, payment or indemnity given to all Members;
 - (b) setting the Council Tax or precept;
 - (c) housing, where they are a tenant of the Council, provided that the item of business does not particularly relate to their tenancy or lease;
 - (d) services provided by the Council to school pupils (such as school meals and transport) where the Member is a parent or guardian of a child in full-time education, or is a parent governor of a school, unless the item of business relates specifically to the school which the child attends.
2. A dispensation has been granted where a Member has a disclosable pecuniary interest in an item on the agenda of a meeting, permitting the Member to make representations, answer questions and give evidence relating to the business and then to leave the meeting before any discussion of the matter takes place, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Note: This dispensation cannot apply to hearings conducted by the Licensing Sub-Committee where a separate statutory procedure regarding the right to speak applies.
3. Subject to paragraph 4 below, the dispensations set out at paragraphs 1 and 2 above shall apply to that period between the date on which the dispensation is granted and the first ordinary meeting of the General Purposes Committee following the election of a new Council.
4. These dispensations will be reviewed in the light of experience and having regard to the requirements set out in section 33 of the Act.
5. Specific requests for dispensations should be made in writing for determination by the Monitoring Officer in consultation with the Chairman of the General Purposes Committee.