



Part 5, Section 1: Members' Code of Conduct

CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS OF HARBOROUGH DISTRICT COUNCIL

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

Part 1 – General Provisions

Introduction

- 1.1 Harborough District Council (“the Authority”) has adopted the following code which has effect from (date) and will be reviewed annually
- 1.2 This Code applies to **you** as a member of the Authority.
- 1.3 You should read this Code in conjunction with the Council’s Procedure Rules as detailed in the Constitution.
- 1.4 It is your responsibility to comply with the provisions of this Code and ensure all obligations with this are met.

Interpretation

- 1.4 In this Code:
- 1.4.1 “**Co-opted member**” means those members who are not elected members of the Authority, but who are co-opted and have voting powers.
- 1.4.2 “**meeting**” means any meeting of:
- (a) the Authority;
 - (b) the Cabinet of the Authority;
 - (c) any of the Authority’s or its Cabinet’s committees, subcommittees, joint committees, joint subcommittees, or area committees.
- 1.4.3 “**member**” means any person being an elected or co-opted member of the Authority.

Scope

- 1.5 You must comply with this Code whenever you:
- 1.5.1 act in your capacity as a member or co-opted member of the Authority;
 - 1.5.2 conduct the business of the Authority (which, in this Code, includes the business of the office to which you are elected or appointed).
- 1.6 Where you act as a representative of the Authority:
- 1.6.1 on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - 1.6.2 on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

Part 2 – The Principles

- 2.1 In accordance with the requirements of the Localism Act 2011, you must have regard to the following principles and observe the following rules of behaviour:-

Principle 1 - Selflessness

Holders of public office should act solely in terms of the public interest.

Principle 2 - Integrity

Holders of public office 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.

Principle 3 - Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Principle 4 - 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.

Principle 5 - Openness

Holders of public office 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.

Principle 6 - Honesty

Holders of public officer should be truthful.

Principle 7 - Leadership

Holders of public office 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.

- 2.2. The above principles articulate the fundamental values of public service that underpin the conduct of members. The following provisions contained in this Code are derived from these principles and provide a set of enforceable minimum standards for the conduct that is expected of members and co-opted members of the Authority when they are acting in that capacity.

Part 3 – General Obligations

Respect

3.1 You must treat others with respect.

3.2 You must not:

3.2.1 do anything which may cause the Authority to breach any of the equality enactments;

3.2.2 bully or harass any person (including specifically any council employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of the Code of Conduct in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct.

Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

Bullying and/or harassment may take many forms, it could include but is not limited to age, disability, gender reassignment, race, religion, belief, sex and/or sexual orientation.;

3.2.3 do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

3.2.5 You are expected at all times to comply with requests made as part of Code of Conduct investigations and any arising outcomes. You must not submit malicious or trivial complaints.

Confidentiality

3.3 You must 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:

3.3.1 you have the consent of a person authorised to give it;

3.3.2 you are required by law to do so;

3.3.3 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

3.3.4 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.

3.4 You must not prevent another person from gaining access to information to which that person is entitled by law.

Reputation of the Authority

3.5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.

Use of your position and the Authority's resources

3.6 You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

3.7 You must, when using or authorising the use by others of the resources of the Authority:

3.7.1 act in accordance with the Authority's reasonable requirements;

3.7.2 ensure that such resources are not used improperly, (including use for political and party political purposes).

Publicity

3.8 You must have regard to any applicable Local Authority Code of Publicity made under the relevant legislation in existence at the time.

Decision making

3.9 When reaching decisions on any matter you must have regard to any relevant advice provided to you by officers of the Authority acting pursuant to their statutory responsibilities (including a proper officer designated by the Authority), or advisors to the Authority.

- 3.10 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed.
- 3.11 You must follow the adopted corporate operational policies of the Authority.

Part 4 – Interests

A. Disclosable Pecuniary Interests

Definition

- 4.1 You have a Disclosable Pecuniary Interest in any business of the Authority if it is of a description specified in regulations made by the Secretary of State and the interest is:
- (a) yours;
 - (b) your spouse's or civil partner's;
 - (c) somebody with whom you are living as husband and wife or as if you are civil partners;
- and you are aware, in the case of paragraphs (b) and (c) that that other person has the interest.

[Note 2: the regulations currently in force are attached but do not form part of the Constitution determined by the Authority, as they may be amended by the Government at any time. These regulations are clearly defined in the Register of Interest Forms that every Member must sign]

Declaring at and participation in meetings

- 4.2 If you are present at any meeting of the Authority, and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered, and the interest is not a 'sensitive interest' (as defined in 4.18) at the meeting:
- 4.2.1 you must disclose the interest to the meeting whether or not it has been registered;
 - 4.2.2 unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;
 - 4.2.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.
- 4.3 Where you have a Disclosable Pecuniary Interest in any business of your authority, you may attend a meeting but only for the purpose 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, and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

- 4.4 Following any disclosure of a Disclosable Pecuniary Interest at a meeting which is not on the Authority's register or the subject of a pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.

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

- 4.5 Where a Cabinet member may discharge functions alone and becomes aware of a Disclosable Pecuniary Interest in a matter being dealt with or to be dealt with by him/her, the Cabinet member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

B. Personal Interests

Definition

- 4.6 You have a personal interest in any business of the Authority where either:

4.6.1 it relates to or is likely to affect:

4.6.1.1 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 the Authority;

4.6.1.2 any body:

- (i) exercising functions of a public nature;
- (ii) directed to charitable purposes; or
- (iii) 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 in a position of general control or management.

4.6.1.3 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 within the last 12 months.

or

4.6.2 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 electoral division or ward, as the case may be, affected by the decision.

- 4.7 For the purposes of paragraph 4.6, a 'relevant person' is:

1.1 4.7.1 a member of your family (parents, children, siblings, aunts, uncles, grandparents) or any person with whom you have a close association; or

- 4.7.2 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; or
- 4.7.3 any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body; or
- 4.7.4 any body of a type described in sub-paragraph 4.6.1.1 or 4.6.1.2.

Declaring at and participation in meetings

- 4.8 Subject to paragraph 4.10 below, where you have a Personal Interest in any business of the Authority and where you are aware or ought reasonably to be aware of the existence of the Personal Interest and you attend a meeting of the Authority where such business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest becomes apparent to you.
- 4.9 Where you have a Personal Interest you may remain in the meeting, speak and vote on the matter unless to do so would compromise your impartiality obligations or any other obligations set out in this Code.
- 4.10 Where you have a Personal Interest, but, by virtue of paragraph 4.17, sensitive information relating to it is not registered in the Authority's Register of Members Interests, you must indicate to the meeting that you have a Personal Interest, but need not disclose the sensitive information to the meeting.

C. Personal Interests which might lead to bias

Definition

- 4.11 In addition to the requirements in relation to Disclosable Pecuniary Interests referred to in Section A of Part 4 of this Code, you have a Personal Interest which might lead to bias in any business of the Authority where:
 - 4.11.1 you have a 'Personal Interest' as defined in paragraph 4.6 and 4.7 above; **and**
 - 4.11.2 that 'Personal 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 judgement of the public interest.
- 4.12 The provisions of paragraph 4.11 shall be applied in such a manner as to recognise that this Code should not obstruct a members' service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a

reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to a Personal Interest which might lead to bias in exceptional circumstances.

Declaring at and participation in meetings

4.13 If you are present at any meeting of the Authority, and you have a Personal Interest which might lead to bias in any matter to be considered or being considered, and the interest is not a 'sensitive interest', subject to paragraphs 4.14 and 4.15 below, at the meeting:

4.13.1 you must disclose the interest to the meeting (whether or not it is registered);

4.13.2 unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;

4.13.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.

4.14 Where you have a Personal Interest which might lead to bias in any business of your authority, you may attend a meeting but only for the purpose 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, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

4.15 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a Personal Interest which might lead to bias, if the matter relates to:

4.15.1 housing, where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease;

4.15.2 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;

4.15.3 an allowance, payment or indemnity given to members;

4.15.4 any ceremonial honour given to members; or

4.15.5 setting council tax or precept under the Local Government Finance Act 1992.

D. Registration of interests

4.16 Subject to paragraph 4.18 (Sensitive Interests), you must within 28 days of:

(a) the adoption of this Code; or

(b) your election or appointment to office as a member (where that is later);

notify the Monitoring Officer in writing of :

- (i) any Disclosable Pecuniary Interest, as defined in paragraph 4.1 above; and
- (ii) details of your Personal Interests where they fall within the category mentioned in paragraph 4.6.1 above.

4.17 Subject to paragraph 4.18 (Sensitive Interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or Personal Interest as referred to in paragraph 4.6.1, or any change to any such interest, notify the Monitoring Officer in writing of the details of that new interest or change.

E. Sensitive Interests

4.18 Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being the subject of 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 an interest, the details of which are withheld.

F. Dispensations

4.19 To enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest or a Personal Interest that might lead to bias, the Monitoring Officer may grant you a dispensation in accordance with rules and procedures established by the Authority.

(Note: Members' attention is drawn to The relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. ("The Regulations")

The Regulations specify the pecuniary interests which members and co-opted members are required to include in the Register of Interests maintained by the Council. Failure to declare a Disclosable Pecuniary Interest and to take part in any discussion in. or vote on any matter in which the member has a pecuniary interest is a criminal offence, which is punishable by a fine of up to £5,000 and disqualification.