

**THE CODE OF CONDUCT
FOR
MEMBERS AND CO-OPTED MEMBERS**

**The Rules for Registration of Interests
and Conflicts of Interest**

*Approved by the Herefordshire Council on
-----2012*

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PART 1

The Code of Conduct for Members and Co-Opted Members of the Council

In the event that this code is adopted by a parish or town council within the County of Herefordshire, any reference in this code to “Monitoring Officer” shall be construed as referring to the Monitoring Officer of Herefordshire Council. Reference in this code to any other officer shall be construed as relating to the officer holding equivalent responsibilities in the parish or town council.

Prepared pursuant to Chapter 7 of the Localism Act 2011

I. Purpose of the Code

1. The purpose of this Code of Conduct is to assist Members (including co-opted Members) in the discharge of their obligations to the Council (referred to as “the Authority”), their local communities and the public at large by:
 - (a) setting out the standards of conduct that are expected of Members and co-opted Members of the Authority when they are acting in that capacity, and in so doing
 - (b) providing the openness and accountability necessary to reinforce public confidence in the way in which Members perform those activities.

II. Scope of the Code

2. The Code applies to Members in all aspects of their activities as a Member, including when acting on Authority business, Ward business or when otherwise purporting to act as a Member. It does not seek to regulate what Members do in their purely private and personal lives.
3. The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the Authority and the rulings of the Chairman of the Council.
4. The obligations set out in this Code are also complementary to, and include, those obligations which apply to Members falling within the scope of related Codes and Protocols of their Authority, for example:
 - (a) use of Council resources by Members;
 - (b) Member/officer relations code;
 - (c) code on gifts and; and
 - (d) the planning Code

III. Public Duties of Members

5. Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act, and to act on all occasions in accordance with the public trust placed in them.
6. Members have an overriding duty to act in the interests of their Authority's area as a whole, but also have a special duty to represent the views of the residents and communities of their ward.

IV. General Principles of Conduct

7. In carrying out their duties in exercising the functions of the Authority or otherwise acting as a member or co-opted member of the Authority, members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

Selflessness

Holders of public office should take decisions 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 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.

V. Expectations of Conduct

8. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
9. Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the Authority on the use of such expenses, allowances, facilities and services.
10. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Authority and never undertake any action which would bring the Authority, or its Members or officers generally, into disrepute.

VI. Rules of Conduct

11. Members shall in particular observe the following rules when acting as a Member or co-opted Member of the Authority and Members are informed that you:
 - (a) **Do** treat others with respect and courtesy.
 - (b) **Do not** do anything which may cause the Authority to breach any of its equality duties (in particular as set out in the Equality Act 2010);
 - (c) **Do not** bully any person;
 - (d) **Do not** intimidate or attempt to intimidate 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 his or her Authority's code of conduct; or

- (e) **Do not** anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
 - (f) **Do 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; and
 - (g) **Do** be aware of the requirements of the Bribery Act 2010 and that offences under the Act include the situation where a Member requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, any function of a public nature, any activity connected with the Authority or any activity to be performed by or on behalf of the Authority or others should be performed improperly.
 - (h) **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—
 - (i) you have the consent of a 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 legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the Authority.
 - (i) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
 - (j) **Do not** conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
12. Members shall observe the following rules when using the resources of the Authority, or authorising the use of those resources by others, and Members are informed that you:
- (a) **Do** act in accordance with the Authority's reasonable requirements including the requirements of the Authority's ITC policy and any other policies listed at in the Authority's Constitution, Standing Orders, Terms of Reference, Codes and Guidance, which you are deemed to have read ;

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- (b) **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
 - (d) **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of your own interests.
13. Members shall observe the following rules when making decisions on behalf of or as part of the Authority, and Members are informed that you:
- (a) **Do** have regard to any relevant advice provided to you by the Council's chief financial officer and Monitoring Officer where such advice is offered pursuant to his or her statutory duties.
 - (b) **Do** give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

VII. Registration and Declaration of Interests

14. Members shall fulfil conscientiously the requirements of the Authority in respect of the registration of interests in the Register of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Authority or its Committees, or in any communications with the Authority, its Members or officers as required in Part 2.

VIII. Duties in respect of the Authority's Standards Panel, Audit and Governance Committee and the Monitoring Officer

15. The application and guidance on the application of this Code shall be a matter for the Authority and for the Authority's Standards Panel, Audit and Governance Committee and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.
16. Members shall co-operate, at all stages, with any investigation into their conduct by or under the authority of those persons and shall not seek to intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with his or her authority's code of conduct.
17. No Member shall lobby a member of the Authority's Standards Panel or Audit and Governance Committee in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code otherwise than in accordance with the arrangements laid down by the Authority.

Part 2

Registration, Disclosure and Duties on Interests held by Members and Co-Opted Members of the Council

I. **Registration of Interests**

1. **Do** fulfil the requirements of the law and the Authority in registering your interests in the Register of Members' Interests. These are explained on the following pages.
2. **Do** draw attention to any relevant interest, , where it is required or appropriate to do so, in any proceeding of the Authority or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a member
3. **Do** approach the Authority's Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation

II. **Disclosable Pecuniary Interests**

4. The following table indicates those interests which members should declare as "disclosable Pecuniary Interests", as outlined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (Statutory Instrument 2012 Number 1464):

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 you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1).

Interest	Description
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.

[For this purpose –

“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” excludes 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 a member of a relevant authority;

“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) – “A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority’s monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.”;*
- or 31(7) – “If the interest is not entered in the authority’s register and is not the subject of a pending notification, the member must notify the authority’s monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) (which states “the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function”) is met in relation to the matter”,*

as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act, namely:

- M’s spouse or civil partner,*
- a person with whom M is living as husband and wife, or*
- a person with whom M is living as if they were civil partners,*
- and M is aware that that other person has the interest;*

“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.]

5. In relation to Disclosable Pecuniary Interests, do ensure that you:

- (a) comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest.

- (b) ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests.
- (c) make 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.
- (d) “Meeting” means any meeting organised by or on behalf of the Authority, including:
 - (i) any meeting of the Council, or a Committee or Sub-Committee of Council
 - (ii) any meeting of the Cabinet and any Committee of the Cabinet
 - (iii) in taking a decision as a Ward Councillor or as a Member of the Cabinet
 - (iv) at any briefing by Officers; and
 - (v) at any site visit to do with business of the Authority.

6. Do ensure, where you

are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and

are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,

that you

- (a) **do not** participate, or participate further, in any discussion of the matter at the meeting; and
- (b) **do not** participate in any vote, or further vote, taken on the matter at the meeting

7. Do ensure, where you

are to discharge a function of the authority acting alone (this is applicable to Herefordshire Council Members only), and

are or become aware that you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, in the course of discharging that function

that you

(a) **do not** take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

8. **Do** make a written request made to the proper officer of the authority if you consider it appropriate that the Authority grant a dispensation relieving you from either or both of the restrictions in paragraph 6.

9. **Do** be aware that, in respect of disclosable pecuniary interests, failing to act as required by the Localism Act (as outlined here) is a criminal offence.

III. Other Interests

10. In addition to the requirements set out above if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest” or a “non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

11. You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your 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 Council Tax payers, ratepayers or 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 this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest

12. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest listed in Paragraph 4), you must disclose the nature of the interest and may not vote on the matter. You may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a “sensitive interest”, you shall declare the interest, but not the nature of the interest.

IV. Gifts and Hospitality

13. As a Member you must, within 28 days of being offered or receiving any gift or hospitality, notify the Monitoring Officer in writing.

14. The Monitoring Officer will place your notification on a public register of gifts and hospitality.

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15. This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

V. General

16. **Do** act in accordance with the Authority's standing orders (Procedure Rules) where you
- (a) are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and
 - (b) are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,
17. **Do** base your conduct when acting as a Member on a consideration of the public interest, avoiding conflict between your personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.