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CODE OF CONDUCT FOR MEMBERS OF
[WEST BERKSHIRE DISTRICT COUNCIL]

1. INTRODUCTION

- 1.1. This Code of Conduct was adopted by the Council at its meeting on 10 May 2012 pursuant to the Localism Act 2011 and its duty to promote and maintain high standards of conduct by members and co-opted members of the Council.

2. APPLICATION

- 2.1. This Code of Conduct applies to you as a member of this Council when you are acting or purporting to act in your role as a member and you have a responsibility to comply with the provisions of this Code.

- 2.2. This Code of Conduct is consistent with and based upon the following principles:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The above terms are expanded at the end of this Code under the heading 'The Principles'.

- 2.3. Should a complaint be made against you in your role as a Councillor it will be dealt with in accordance with the Localism Act 2011 and its supporting regulations.

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3. GENERAL OBLIGATIONS

When acting or purporting to act in your role as a member of the Council, you must have regard to the following obligations. If you are not acting in your role as Councillor then no breach of the Code is likely to occur:

RESPECT

- 3.1. Treat members, officers, members of the public and service providers with courtesy and respect and do not engage in bullying or intimidating behaviour or behaviour which could be regarded as bullying or intimidation.

BRIBERY ACT 2010

- 3.2. Ensure that you are aware of and comply with the requirements which the Bribery Act 2010 places on you in your role as a Member and on the Council.

DISCLOSURE OF INFORMATION

- 3.3.1. Do not disclose information given to you in confidence by anyone or information acquired by you which you believe or are aware is of a confidential nature.
- 3.3.2. You may disclose such information where:-
- (i) you have the consent of a person authorised to give it
 - (ii) you are required to do so by law
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice
 - (iv) the disclosure is reasonable and in the public interest
 - (v) is made in good faith and in compliance with the reasonable requirements of the Council or "its professional advisers".

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ACCESS TO INFORMATION

- 3.4. Do not prevent another person from accessing information if that person is entitled to do so by law.

DECISION MAKING

- 3.5. When involved in the decision making of the Council:
- 3.5.1. Have regard to any advice provided to you by the Council's Chief Financial Officer and Monitoring Officer [Responsible Officer/Clerk to Parish Council] pursuant to their statutory duties.
- 3.5.2. Give reasons for the decisions in accordance with any legal requirements or reasonable requirements of the Council.

RESOURCES

- 3.6. When using or authorising the use by others of the resources of the Council:-
- 3.6.1. Do act in accordance with the Council's reasonable requirements including the requirements of the Council's ICT policy and all relevant policies. Copies of these policies have been provided to you, are available on the Council's Intranet and you are deemed to have read and understood them.
- 3.6.2. The Policies referred to in paragraph 3.6.1 may be updated from time to time and you will be notified of any changes. You must comply with the updated policies as soon as you have been provided with a copy of the same.
- 3.6.3. Make sure that such resources are used for and in accordance with your duties as a Councillor and are not used improperly.

USE OF INFORMATION

- 3.7. Do not improperly use knowledge gained solely as a result of your role as a member for the advancement of your disclosable pecuniary interests.

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PUBLICITY

- 3.8. Have regard to the applicable Local Authority Code of Publicity under the Local Government Act 1986.

4. PECUNIARY INTERESTS AND INTERESTS OTHER THAN PECUNIARY INTERESTS

4.1. Pecuniary Interests

- 4.1.1. By virtue of the Localism Act 2011 and the Regulations 2012 you must disclose and register disclosable pecuniary interests as defined in the foregoing legislation. Failure to disclose such interests may result in prosecution by which could result in a fine not exceeding £ .

- 4.1.2. A Disclosable Pecuniary Interest [DPI] is
[await new regulations/exclude as may be defined in Law?]

- 4.2. Interests Other than Pecuniary Interests?
[await regulations/will breach involve criminal action or breach of Code?]

5. SENSITIVE INTERESTS

- 5.1. Where a member is concerned that the disclosure of the details of an interest (either a DPI or any other interest which the member is required to disclose) at a meeting or on the Register of Members' Interests, and such disclosure would lead to the member or a person associated with him/her being subject to violence or intimidation, the member may request the Monitoring Officer agree that such interest is a sensitive interest.
- 5.2. If the Monitoring Officer agrees that the interest is a sensitive interest the member must still disclose the existence of the interest at a relevant meeting but the member is not required to provide the details of the sensitive interest during the meeting. The Monitoring Officer shall also exclude the details of the sensitive interest from the published version of the Register of Members' Interests.

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6. DISCLOSURE AND PARTICIPATION

- 6.1. Should you have a disclosable pecuniary interest you **MUST NOT** take part in the decision making process of the Council and in order to ensure transparency you must withdraw from such process as regards that DPI.
- 6.2. The Localism Act 2011 makes participation in such matters if you have a DPI a criminal offence.

7. GIFTS AND HOSPITALITY

- 7.1. You must disclose and record any gift or hospitality you receive in your capacity as a member of the Council. Such disclosure should be made in writing or by email to the Monitoring Officer in accordance with the Council's Protocol on Gifts and Hospitality.

8. DISPENSATIONS

- 8.1. Members who have a disclosable pecuniary [or other interest] may apply for a dispensation on specific grounds which are set out in the Dispensation Procedure [annexed to this Code of Conduct].

9. INTERPRETATION

"Co-opted member", means a person who is not a member of the Council but who:-

- (a) is a member of any committee or sub-committee of the Council; or
- (b) is a member of, and represents the Council on, any joint committee or joint sub-committee of the Council;

and who is entitled to vote on any question which is to be decided at any meeting of the committee or sub-committee.

"Disclosable Pecuniary Interests (DPI)" means those interests prescribed by the Secretary of State as such under the Localism Act 2011.

"Pecuniary Interests" means only those interests prescribed by the Secretary of State as "disclosable pecuniary interests".

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“Other Interests” means interests other than DPI’s which a member is required (by law) to disclose.

“Meeting” means any meeting of:-

- (a) the Council;
- (b) the executive of the Council;
- (c) any of the Council’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area 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.

“Bullying and intimidating behaviour” means offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group. It can have a damaging effect on a victim’s confidence, capability and health.

Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or in blogs, (but within the scope of the Code of Conduct).

It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying. It is also unlikely that a member will be found guilty of bullying when both parties have contributed to a breakdown in relations.

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THE PRINCIPLES
(referred to in paragraph 2.2 above)

- **Selflessness**
Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- **Honesty and Integrity**
Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- **Objectivity**
Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- **Accountability**
Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
- **Openness**
Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
- **Leadership**
Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.