

## **SOUTH RIBBLE BOROUGH COUNCIL**

### **GUIDANCE FOR MEMBERS ON CODE OF CONDUCT**

This document has been produced to offer guidance on the Code of Conduct for Members adopted by South Ribble Borough Council on 18 July 2012. The Code applies to all members and co-opted members of the Borough Council.

Ultimately, it is members' responsibility to take specific advice from the Monitoring Officer where appropriate and to make a decision as to the most suitable course of action.

#### **SECTION A - INTRODUCTION**

The Code applies to you whenever you act in your official capacity as a member or co-opted member of the authority.

This includes those occasions where you are conducting the work of the Council or representing the Council on any external organisation.

It does not apply when you are acting in purely a private and personal capacity.

The Code is not intended to be an exhaustive list of all the obligations that are placed on members and it is the responsibility of individual members to comply with the provisions of the Code, the Council's Constitution, relevant Council Policies and any other legal obligations which may apply.

Members conduct will affect the reputation and credibility of Members and the Council as a whole. This means that you should always act in a way which will maintain and strengthen public trust and confidence and never undertake any action which will affect the reputation of the Council itself or Members and Officers.

#### **SECTION B – THE GENERAL PRINCIPLES OF PUBLIC LIFE**

The general principles of public life define the standards that members are expected to uphold. They apply to anyone who is elected or works as a public office holder.

The principles are:

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

A failure to act in accordance with these general principles may on itself amount to a breach of the Code of Conduct.

## **SECTION C - GENERAL OBLIGATIONS UNDER THE CODE**

### **1. You should always treat others with respect.**

You must treat others with respect at all times.

In politics rival groupings are common, either in formal political parties or more informal alliances. It is expected that each will campaign for their ideas, and they may also seek to discredit the politics and actions of their opponents. Criticism of ideas and opinion is part of democratic debate, and does not in itself amount to failing to treat someone with respect.

However, whilst ideas and policies may be robustly criticised, individuals should not be subject to unreasonable or excessive personal attacks. This particularly applies to dealing with the public and officers. Chairs of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct taking place.

Members should as far as possible treat people courteously and with consideration. Rude and offensive behaviour lowers the public's expectations and can affect public confidence in elected representatives.

### **2. You must not:**

- **do anything which causes your authority to breach any of the equality enactments.**
- **bully any person**
- **intimidate any complainant, witness or anyone involved in any investigation that a member has failed to comply with the Code**
- **do anything which compromises the impartiality of anyone working for the Council**

You must not do anything which may cause the Council to breach any equality laws. You must be careful not to act in any way which may amount to any of the prohibited forms of discrimination, or anything which hinders the Council's fulfilment of its positive duties under equality laws.

As a member your actions and behaviours are subject to greater scrutiny than ordinary members of the public. You should be aware your actions might have an adverse impact on your office or your authority. Threatening, bullying or intimidating behaviour in your role as a member may bring the authority into disrepute and result in a breach of the Code.

You must respect the impartiality and integrity of the Councils statutory officers and its other employees. You should not approach or pressure anyone who works for Council to carry out their duties in a biased or partisan way. Officers must be neutral and should not be coerced or persuaded to act in a way which would undermine their neutrality. As an example you should not ask officers to help prepare party political material or help with matters relating to your private business.

Members may robustly question officers to understand, for example their reason for acting in a particular way, or the content of a report they have written, but you must not try and force them to act differently, change their professional advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **3. You must not:**

- **disclose information given or acquired in confidence except in very specific and limited circumstances**
- **prevent anyone else gaining access to information to which they are entitled by law**

As a general rule you must not disclose confidential information as doing so could be prejudicial to effective decision making and could damage the reputation of the Council in the eyes of those who wish to do business with it, as being a place which cannot be trusted to respect confidential or commercially sensitive information.

In certain very limited circumstances you may be justified in disclosing confidential information, these are:

- You have the consent of the person authorised to give it
- You are required by law to do so
- The disclosure is made to a third party for the purpose of obtaining professional advice ( for example your lawyer or professional adviser) provided that person agrees not to disclose the information to any other person
- The disclosure is in the public interest (this is only justified in limited circumstances)

However, these circumstances are very rare and particularly if you feel that disclosure may be in the public interest should raise your concerns with the Monitoring Officer in the first place. The courts have considered in what circumstances this may be justified and a careful balancing exercise is required to determine whether disclosure is appropriate.

Equally you must take care to ensure that the Council is open and transparent as far as possible and should not prevent or try to dissuade anyone from gaining access to information to which they are legally entitled.

### **4. You must not:**

- **use your position as a member improperly to gain an advantage for yourself or a third party, or act to their detriment**
- **use the Council's resources improperly or for party political purposes**
- **breach any requirements of the Local Authority's Code of Publicity**

Care must be taken to ensure that you act solely in the public interest and that you never act improperly to gain an advantage or any financial or material benefit for yourself or any third party including any relative, friend, close associate, your employer or a business carried on by yourself. Nor must you act in any way which would be to the detriment or disadvantage of anyone you know.

You must also be careful to ensure that any resources which the Council gives you so that you can carry out your role as an elected member are only used for that purpose. This will include mobile phones, laptops and tablets as well as use of Council accommodation and

support from staff. The Council may from time to time issue guidelines on the use of Council resources and you should ensure that you are familiar with the latest advice.

You should never use the Council's resources for purely party political purposes, including designing and distributing party political material produced for publicity purposes.

**5. When reaching any decision on any issue you must have regard to the advice of the chief finance (s151) officer and monitoring officer and be able to give reasons for all decisions taken**

You must consider carefully any professional advice from the Council's Chief Finance or Monitoring Officer before you reach a decision. These statutory officers have the legal responsibility to ensure that the Council acts lawfully and within its financial constraints and occasionally this may mean that there is a need to issue professional advice which may be unpalatable from a political perspective. It is important to respect both their professional integrity and independence given the responsibilities they carry.

In the interests of good governance you should also be prepared to give reasons for any decision that you reach.

## **SECTION D – DISCLOSABLE PECUNIARY INTERESTS**

You have two types of interests that you must register under the Code:

- Disclosable Pecuniary Interests (DPI)
- Other Registrable Interests (including gifts and hospitality)

Disclosable Pecuniary Interests are set out in Appendix A to the Code and must be notified to the Monitoring Officer within 28 days of being elected. You must keep your register updated and add new or any amended DPI's within 28 days of any change.

Failure to register or declare them is a criminal offence and you may be liable to be fined up to a maximum of £5000 or be disqualified from acting as a Councillor for up to 5 years.

**A Disclosable Pecuniary Interest relates to an interest of yourself or your partner in any of the following:**

- **any employment, office, trade, profession or vocation carried on for profit or gain**
- **any payment or other financial benefit made towards expenses in carrying out your duties as a Member or election expenses**
- **any contract with the Council under which goods and services are provided or works are undertaken**

- any land which you own or have a legal interest in within the South Ribble area
- any licence to occupy land in the South Ribble area for longer than 28 days
- any corporate tenancy with the Council where you have a legal interest in the body which holds the tenancy
- any interest you have in the shares or securities of a body which has a place of business in South Ribble areas with a nominal value of more than £25k or more than a 1/100<sup>th</sup> of the issued shares or securities.(If there are several classes of shares or securities, then the fraction of 1/100<sup>th</sup> applies to any of these classes)

**Please note that “partner” is defined as your spouse, civil partner or any person you are living with as husband or wife or as a civil partner**

### **Sensitive Interests**

If you are concerned that the disclosure of the details of any interest could lead to you, or someone connected to you, being subject to violence or intimidation and the Monitoring Officer agrees then a note of the interest will be made but full details will not be entered on the public register.

However, you will still need to disclose at any relevant meeting that you do have a DPI in the matter being considered.

A sensitive interest may include sensitive employment, such as certain scientific research or some investigatory roles where it is important that personal details remain confidential.

### **When to declare a Disclosable Pecuniary Interest**

If a DPI has been entered on the Council’s register you must still declare at the start of the meeting (or as soon as possible once you realise) that you have such an interest.

If your DPI has not been entered on the register then you must state at the start of the meeting (or as soon as possible once you realise) that you have a DPI in the business before the meeting and you should also explain what the nature of the interest is. You should then inform the Monitoring Officer within 28 days of the meeting of the DPI so that it can be published on the register.

IN BOTH CASES you must:

- immediately cease any involvement in the matter
- do not participate in any discussion or vote
- leave the room where the matter is being discussed

### **Dispensation**

In certain limited circumstances the Standards Committee may grant you a dispensation to enable you to participate in a meeting and vote on a matter even where you have a DPI. These circumstances include:

- unless a dispensation is granted a significant proportion of the members participating in the meeting will be prevented from doing so and this is likely to impact on the ability to deal with the meeting's business
- unless a dispensation is granted the representation of the different political groups on the body will be so upset that it is likely to alter the outcome of any vote on the issue
- without a dispensation no member of cabinet would be able to participate on the matter
- a dispensation is considered to be in the interests of persons living in the area
- there are other good reasons to grant a dispensation

You should speak to the Monitoring Officer for further assistance.

## **SECTION E – OTHER INTERESTS**

There are two types of interest you must register under the Code:

- Disclosable Pecuniary Interests (DPI)
- Other Registrable Interests (including gifts and hospitality)

**You must register the following categories in the register of interests as “Other Interests”**

- **any outside body or organisation you have been appointed to or nominated to be a member of by South Ribble Borough Council**  
**any public or charitable body or organisation which principally exists to influence public opinion or policies** (examples include political parties and trade unions, government agencies, other local authorities, public health bodies, local authority owned companies and school governing bodies)
- **any gift or hospitality with an estimated value of at least £25 which has been received in your capacity as an Elected Member** (see section H)

Other Interests must be notified to the Monitoring Officer within 28 days of being elected. You must keep your register updated and add new or any amended Other Interests within 28 days of any change.

If an Interest has been entered on the Council's register you must still declare at the start of the meeting (or as soon as possible once you realise) that you have such an interest and briefly explain what it is.

If your Interest has not been entered on the register then you must state at the start of the meeting (or as soon as possible once you realise) that you have an Interest in the business before the meeting and you should also explain what the nature of the interest is. You should then inform the Monitoring Officer within 28 days of the meeting of the Interest so that it can be published on the register.

**You also have an interest in:**

- **any business of the Council where a decision might reasonably be regarded as affecting your well-being or financial position or that of a member of your family or any person with whom you have a close association**

### **Non participation in case of certain other interests**

Generally you may still speak and vote at the meeting, however dependent upon the significance of the interest (and especially if it may give rise to the perception of a conflict of interest) you should declare the interest, state your point of view if you wish to do so then leave the room taking no further part in the matter.

**You would follow this process if:**

- **you have an interest in the business of the Council (other than a DPI)**
- **a member of the public with knowledge of the relevant facts would reasonably regards it as so significant that it would be likely to prejudice your judgment of the public interest**
- **the matter affects either your own financial position or someone close to you or that of a business either you or someone close to you is connected with OR**
- **it relates to the determination of any approval, consent, licence, permission or registration for you or someone close to you**

For example, you would be expected to not only declare an interest but take no further part in the meeting if you sat as a Member of the Planning Committee which was considering an application made by your daughter or a neighbouring application to your own land.

If you are in any doubt about the process to follow you should consult the Monitoring Officer.

### **Exemptions**

**You may still attend a meeting and vote on the following matters:**

- **any allowance, payment or indemnity given to Members**
- **any ceremonial honour given to Members**
- **setting Council Tax**

## **SECTION F - REGISTRATION OF INTERESTS**

You must notify the Monitoring Officer of any relevant interests to be included in the Council's register of interests within 28 days of being elected or any change in your circumstances.

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

By registering your interests the public, council staff and other members will know which of your interests might give rise to a conflict of interest. This is not only good practice in terms of transparency of decision making but also protects you. Although you are personally responsible for deciding whether you should declare an interest in a meeting it can be very helpful for you to know early on if others think a potential conflict may arise. It also helps maintain public confidence in the integrity of Local Government if the public can know about any interests that may need to be declared by you or other members.

## **SECTION G - INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES**

The Code makes it clear that any Member who was involved in making a decision or taking action on any matter must not later be involved in the Overview and Scrutiny's consideration of that decision or action.

## **SECTION H – REGISTER OF GIFTS AND HOSPITALITY**

You must register any gift or hospitality over the value of £25 listing where it came from within 28 days of receiving it.

You do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from friends and family. However, you should always register a gift or hospitality if the perception could be that it was given to you because of your position as an Elected Member.

You should ask yourself would I have been given this if I were not on the Council? If you are in any doubt about the motive then you should register it or speak to the Monitoring Officer for advice.

You may have to estimate how much the gift or hospitality is worth, however, as a matter of good practice, the general rule is if in doubt then register it.

It is also good practice to register gifts or hospitality which you did not accept.

You do not need to declare an interest as a result of having received a gift or hospitality if it has been registered for more than 3 years before the date of the meeting.

**February 2017**