



**West Lindsey District Council**

## **Members' Code of Conduct**

**Adopted by Council – 8 May 2017**

# **WEST LINDSEY DISTRICT COUNCIL MEMBERS' CODE OF CONDUCT**

## **FOR ELECTED AND CO-OPTED MEMBERS OF WEST LINDSEY DISTRICT COUNCIL**

### **Part 1: The Principles**

As a member or co-opted member of West Lindsey District Council, you have a responsibility to represent the community and work constructively with your fellow members, our staff and partner organisations to secure better social, economic and environmental outcomes for all.

When acting in this capacity you must have regard to the following principles in carrying out your duties, in accordance with the requirements of the Localism Act 2011 (The Act) :-

1. Selflessness.
2. Integrity.
3. Objectivity.
4. Accountability.
5. Openness.
6. Honesty.
7. Leadership.

More specifically that means observing the following rules of behavior to maintain public confidence in this Authority :-

### **Principle 1 – Selflessness**

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

### **Principle 2 – Integrity**

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

### **Principle 3 – Objectivity**

When carrying out your public duties / business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you must make all choices, on merit.

#### **Principle 4 – Accountability**

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

#### **Principles 5 and 6 – Openness and Honesty**

You must be as open as possible in respect of all your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions. You should only restrict information when the wider public interest clearly demands it (see general obligation 4 also).

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in Part 3 of this Code.

#### **Principle 7 – Leadership**

You must promote and support the above principles by leadership and example.

In addition West Lindsey District Council's Code also includes local provision relating to

1. Respect Bullying and Harassment
2. Confidential Information
3. Use of Resources

The requirements relating to these aspects are set out in more detail in Part 2 of this Code under General Obligations.

These principles articulate the fundamental values of public service that underpin the conduct of members. The following provisions of the Code of Conduct for members are derived from those 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.

Examples, but not an exhaustive list, of how Elected Members will display behaviour in accordance with these principles is set out in Appendix A to the Code.

## **Part 2: General Provisions**

### **Introduction and Interpretation**

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles set out above.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code –  
“meeting” means any meeting of –
  - (a) your authority;
  - (b) Any of your authority’s or its committees, sub-committees, joint committees, subcommittees, or area committees; “member” includes a co-opted member.

### **Scope**

2. (1) You must comply with this Code whenever you –
  - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed);
  - (b) act, or claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- (2) Where you act as a representative of your authority:-
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- (3) Members should note that the Act creates specific criminal offences in relation to disclosable pecuniary interests (disclosable pecuniary interests are contained in Appendix B together with the offences)

## **General Obligations**

### **3 Respect, Bullying and Harassment**

Disrespect, Bullying and Harassment can be emotive and subjective issues.

Employment Law is clear that it is the feelings of the recipient that define bullying and disrespect so can vary from individual to individual.

Members need to be mindful that such behaviour can manifest itself in a number of guises, including through the use of electronic communications, social media and in the absence of a person ( for example if a person is spoken very badly about or to / present or absent, this can effect third parties and legitimately give rise for complaints .)

Councillors at all times must show respect to each other, staff and members of the public and engage with them in an appropriate manner and one that underpins the mutual respect that is essential for local government. Councillors may not always agree with the political views of their member colleagues but they will respect the right for those views to be held.

- 1) You must treat others with respect.
  - (2) You must not –
    - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
    - (b) bully any person;
    - (c) intimidate or attempt to intimidate any person, including those who are or are 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
    - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

**Note: Allegations made under this code relating to respect, bullying**

**and harassment will be assessed within a threshold. This code is not designed to stifle proper robust political debate nor will solely malicious allegations be accepted.**

#### **4. Confidential information**

The disclosure of confidential information can seriously undermine the position of your Authority. It can be detrimental to the Council's reputation, and could result in legal action being taken against your authority. This is particularly important in relation to the procurement of contracts.

Examples (but not an exhaustive list) of confidential information include: -

- matters which have been discussed in closed /private session
- reports which have been marked as exempt or restricted
- staffing matters / salaries
- code of conduct matters
- matters relating to contracts under procurement

Therefore You must not, via any means, including through social media –

- (a) 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 advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is: -
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

**Guidance Note: Members considering making a public disclosure are advised to seek guidance from the Monitoring Officer / Clerk in the first instance**

## 5. Use of Resources

You –

- (a) 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; and
- (b) must, when using or authorising the use by others of the resources of your authority –
  - (i) act in accordance with your authority's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the relevant legislation in existence at the time.
- (d) Act in accordance with your Authority's Social Media Policy or equivalent.

## **Part 3: Interests**

### **Notification of Interests**

6. (1) You must, within 28 days of the adoption of this Code or of taking office as a member or co-opted member, notify the Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State.

Those which are covered by these regulations are listed at Appendix B of this code.

*[Note: the regulations currently in force apply where the disclosable pecuniary interest is yours, your spouse's or civil partner's or is the pecuniary interest of somebody with whom you are living as a husband or wife or as if you were civil partners.]*

- (2) If a disclosable pecuniary interest, as defined above, has not been entered into the authority's Register upon notification under paragraph 6 (1), you must disclose the interest to any meeting of the authority at which you in any matter being considered and whether the matter is not a 'sensitive interest'. Following any such disclosure of an interest, you must notify the Monitoring Officer within 28 days beginning with the date of disclosure.
- (3) In addition to the disclosable pecuniary interests which are the

subject of paragraph 6 (1) above, you must, within 28 days of:-

- (a) this code being adopted by or applied to the authority; or
- (b) your election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the descriptions set out in paragraph 8 below for inclusion in the Register of Interests.

- (4) You must, within 28 days of becoming aware of any new interest or change to any interest to be registered under the requirements of paragraphs 6 (1) – (3), notify the Monitoring Officer of the details of that new interest or change.

### **Definition of Personal Interest**

- 7. (1) You have a personal interest in any business of the authority where either:-

- (a) it relates to or is likely to affect –

- (i) 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 your authority;

- (ii) any body –

- (aa) exercising functions of a public nature;
- (bb) directed to charitable purposes; or
- (cc) one of whose principle purposes including 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; or

- (b) 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.

- (2) For the purposes of paragraph 7 (1) (b), a relevant person is – a member of your immediate family, namely your mother, father, sister, brother; son daughter, any person habitually living under the same roof, or

- (a) 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

- (b) 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.

### **Definition of Prejudicial Interests**

8. The Council has decided that in addition to disclosable pecuniary interests referred to in paragraph 6 (1) above, you also have a prejudicial interest if you have a personal interest in any business of the authority where the 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 and where that business:-

- (a) affects your financial position or the financial position of a person or body described in paragraph 7; and
- (b) relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 7.

### **Disclosure of Interests**

**Guidance Note: Members who are unsure whether they have an interest and, if so, the nature of that interest should seek guidance from the Monitoring Officer / Clerk (ideally in advance of the meeting) Ultimately, however, it is for the Member themselves to determine their position.**

9. (1) Subject to sub-paragraph (2) where you have a personal interest in any business of your 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 the 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. **You can remain in the meeting, take part in the debate and vote on the matter.**
- (2) Where you have a personal interest, but, by virtue of paragraph 14 sensitive information relating to it is not registered in your 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.

**Non-Participation in Case of Disclosable Pecuniary Interest (Detailed in Appendix B)**

10. (1) 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 at the meeting:-
- (a) **you may not participate** in any discussion of the matter at the meeting.
  - (b) **you may not participate** in any vote taken on the matter at the meeting.
  - (c) if the interest is not registered, you must disclose the interest to the meeting.
  - (d) 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.
- (2) **In addition, you are required to leave the room where the meeting is held while any discussion or voting takes place.** A Member who has left the meeting should not be visible to the remaining committee members, or attempt to contact those taking part in the meeting via electronic means, in order as to not influence the decision in any way.

**It is a criminal offence to participate in a decision in which you have a DPI**

**Non participation in case of other (local provision) prejudicial interests (those which arrive from a personal interest but effect your or a relevant persons financial position)**

11. (1) Subject to paragraphs (2) and (3), below where you have a prejudicial interest in any business of your authority –
- (a) **you may not** participate in any discussion of the matter at the meeting.
  - (b) **you may not** participate in any vote taken on the matter at the meeting.
  - (c) if the interest is not registered, you must disclose the interest to the meeting.
  - (d) 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.

- (2) In addition you are required to leave the room where the meeting is held while any discussion or voting takes place.**

A Member who has left the meeting should not be visible to the remaining committee members, or attempt to contact those taking part in the meeting via electronic means, in order as to not influence the decision in any way.

- (2) Where you have a prejudicial 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.
- (3) There are some decisions that affect every Member, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your authority in respect of:-
- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (b) 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;
  - (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (d) an allowance, payment or indemnity given to members;
  - (e) any ceremonial honour given to members; and
  - (f) setting council tax or precept under the Local Government Finance Act 1992.
  - (g) an interest arising from your membership of another local authority or parish council.

### **Dispensations**

12. The Governance and Audit Committee 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 prejudicial interest, including a disclosable pecuniary interest.

### **Register of Interests**

13. Any interest 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.

### **Sensitive Interests**

14. 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.

### **Gifts and Hospitality**

15. The Council has determined that as a matter of good practice you must also declare to the Monitoring Officer within 28 days the interest of any person from whom you have received, in connection with your official duties as a member, a gift or hospitality with an estimated value of at least £50.

## APPENDIX A

As a Member of West Lindsey District Council, my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of West Lindsey or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

**Disclosable Pecuniary Interests prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012**

Disclosable pecuniary interests include not only your interests but also the interests of your 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 they were a civil partner, so far as you are aware of the interests of that person.

<i>Subject</i>	<i>Prescribed description</i>
1. Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
2. Sponsorship	<p>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.</p> <p>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).</p>
3. Contracts	<p>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—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
4. Land	Any beneficial interest in land which is within the area of the relevant authority.

5. Licenses Any license (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
6. Corporate tenancies Any tenancy where (to the Member'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.
7. Securities Any beneficial interest in securities of a body where—
- (a) that body (to the Member'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.

. It is a criminal offence:-

- i. to fail to register a Disclosable Pecuniary Interest (DPI) you are aware of within 28 days of your election or re-election;
- ii. to take part in the debate or vote at any meeting where you have a registered or unregistered DPI;
- iii. to fail to declare at a meeting and/or to take part in the debate or vote, if you are aware you have a DPI which is not yet registered or notified to the Monitoring Officer;
- iv. if you have declared an unregistered DPI at a meeting, to fail to register that within 28 days of that declaration;
- v. to provide false or misleading information in relation to any registration or to be reckless as to its accuracy;
- vi. to take any steps or further action on a matter in which you have a DPI other than referring it elsewhere;

in each case without reasonable excuse

## Glossary of Terms

<b>Member:</b>	<b>a person elected or co-opted to office</b>
<b>Act</b>	<b>refers to the Localism Act 2011</b>
<b>Meeting</b>	<b>a formally arranged gathering, attended by you in Capacity</b>
<b>Disclosable Pecuniary Interest</b>	<b>as defined in statute and set out in appendix B to this Code. Only relate to you or your spouse Criminal sanctions applicable</b>
<b>Prejudicial Interest</b>	<b>local provision – see section 8, most likely to occur in planning and licensing matters (as the wording relates to the granting of a license or application)</b>
<b>Personal Interest</b>	<b>See Section 7</b>
<b>Relevant Person</b>	<b>your spouse, mother, father, sister brother son daughter or anyone habitually living under the same roof</b>