



## NEWCASTLE·UNDER·LYME BOROUGH COUNCIL

### CODE OF CONDUCT FOR MEMBERS - 2015

#### 1. Application

- 1.1 This Code of Conduct applies to you whenever you are acting in your capacity as a Member of the Borough Council of Newcastle under Lyme, including:
- a. At formal meetings of the Council, its committees and sub committees and its Cabinet and Cabinet committees
  - b. When acting as a representative of the Authority
  - c. In taking any decision as a Cabinet member or Ward Councillor
  - d. In discharging your functions as a Ward Councillor
  - e. At briefing meetings with officers
  - f. At site visits
  - g. When corresponding with the Authority other than in a private capacity
- 1.2 When carrying out their public role, members should always have regard to the seven principles of public life;
- a. **Selflessness** – you must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family or close associates.
  - b. **Integrity** – you must not place yourself under a financial or other obligation to outside individuals that might seek to influence you in the performance of your official duties. You should exercise independent judgement and declare all interests and relationships.
  - c. **Objectivity** – you must act and take decisions impartially, fairly and on merit, using the best evidence without discrimination or bias.
  - d. **Accountability** - you are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.
  - e. **Openness** – you 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 doing so.
  - f. **Honesty** – you should be honest and truthful.

- g. Leadership** – your own behaviour should exhibit leadership, actively supporting and demonstrating this, being willing to challenge poor behaviour where ever it occurs.

## **2. Behaviour**

2.1 As a member you should;

- a. behave in such a way that a reasonable person would regard as respectful,
- b. not act in a way which a reasonable person would regard as bullying or intimidation,
- c. not seek to improperly confer an advantage or disadvantage on any person,
- d. use the resources of the council in accordance with its requirements,
- e. not disclose information which is confidential or where disclosure is prohibited by law,
- f. respect the impartiality of officers and not to influence them inappropriately.

## **3. Registration of interests**

- 3.1 Within 28 days of this Code being adopted by the council, or the members election or the co-opted member's appointment (where that is later), Members must register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
- 3.2 Upon the re-election of a member or the re-appointment of a co-opted member, councillors must within 28 days re-register with the Monitoring Officer any interest's in Appendices A and B.
- 3.3 Members must register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
- 3.4 Members need not register any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if made public, could lead to the councillor or a person connected with the councillor being subject to violence or intimidation.

## **4. Declaration of interests at meetings**

### **4.1 Disclosable Pecuniary Interests**

- 4.1.1 Where a matter arises at a meeting which relates to an interest in Appendix A members must declare their interest and not participate in a discussion or vote on the matter.

## **4.2 Other declarable interests**

- 4.2.1 Where a matter arises at a meeting which relates to or affects an interest in Appendix B or a financial interest of the councillor, a friend, relative or close associate (and it is not a Disclosable Pecuniary Interest as defined in appendix A), councillors must declare the interest.
- 4.2.2 Where the matter affects the declarable interest of more than the majority of people in the area that will be affected by the decision and a reasonable member of the public would think the councillor's view of the public interest would be adversely affected, the councillor must not vote on the matter. They may speak on the matter only if members of the public are also allowed to speak at the meeting.
- 4.2.3 Where a matter arises at a meeting which is a sensitive interest as defined under paragraph 3.4 above, councillors do not have to declare the nature of their interest but must follow the rules regarding non-participation.

## **5. Dispensations**

- 5.1 On a written request made to the council's monitoring officer, the council may grant a councillor a dispensation to participate in a discussion and/or vote on a matter at a meeting where they would otherwise not be allowed to if the council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

## **6. Gifts and Hospitality**

- 6.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £10 which you have accepted as a Member from any person or body other than the Authority.
- 6.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality
- 6.3 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

**Disclosable Pecuniary Interests (DPIs)**

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

The duties to register, disclose and not to participate in respect of any matter in which a Member has a DPI are set out in Chapter 7 of the Localism Act 2011.

DPIs are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

<b>INTEREST</b>	<b>PRESCRIBED DESCRIPTION</b>
Employment, office, trade, profession or vacation	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)
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 the Member's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant authority has a beneficial interest
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
--	---

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 has a beneficial interest

**'director'** includes a member of the committee of management in an industrial or 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

**'Member'** includes a co-opted Member

**'relevant authority'** means the Member's Authority

**'relevant period'** means the period of 12 months ending with the day on which a Member gives a notification for the purposes of Section 30(1) or 31(7) as the case may be, of the Act

**'relevant person'** means the Member or any other person referred to in Section 30(3)(b) of the Act

**'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.

**Councillors must register:**

- 1 any body of which the councillor is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- 2 any body -
  - a. exercising functions of a public nature;
  - b. directed to charitable purposes; or
  - c. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the council is a member or in a position of general control or management;
- 3 any gifts or hospitality worth more than an estimated value of £10 which the member has received by virtue of his or her office.