

Draft

**NEW MODEL CODE OF CONDUCT FOR
MEMBERS – JULY 2012**

1. **Application**

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:

- 1.1 At formal meetings of the Council, its committees and sub-committees, its Cabinet and Cabinet committees.
- 1.2 When acting as a representative of the Authority.
- 1.3 In taking any decision as a Cabinet member or Ward Councillor.
- 1.4 In discharging your functions as a Ward Councillor.
- 1.5 At briefing meetings with officers.
- 1.6 At site visits.
- 1.7 When corresponding with the Authority other than in a private capacity.

2. **General Conduct**

You must:

- 2.1 Provide leadership to the Authority and communities within its area, by personal example; and
- 2.2 Respect others and not bully any person
- 2.3 Recognise that officers (other than political assistants) are employed by and serve the whole Authority
- 2.4 Respect the confidentiality of information which you receive as a Member by:
 - 2.4.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and overriding public interest in doing so;

and
 - 2.4.2 not obstructing third parties' legal rights of access to information
- 2.5 Not misconduct yourself in a manner which is likely to bring the Authority into disrepute
- 2.6 Use your position as a Member in the public interest and not for personal advantage

- 2.7 Accord with the Authority's reasonable rules on the use of public resources for private and political purposes
- 2.8 Exercise your own independent judgment, taking decisions for good and substantial reasons by:
 - 2.8.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - 2.8.2 paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of the Paid Service, the Monitoring Officer and the Chief Finance Officer; and
 - 2.8.3 stating the reasons for your decisions where those reasons are not otherwise apparent
- 2.9 Account for your actions, particularly by supporting the Authority's scrutiny function
- 2.10 Ensure that the Authority acts within the law.

3. **Disclosable Pecuniary Interests**

You must:

- 3.1 Comply with the statutory requirements in order to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest (DPI(s))
- 3.2 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 DPIs
- 3.3 Make verbal declaration of the existence and nature of any DPI 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
- 3.4 'Meeting' means any meeting organised by or on behalf of the Authority, including:
 - 3.4.1 any meeting of the Council, or a committee or sub-committee of the Council
 - 3.4.2 any meeting of the Cabinet and any committee of the Cabinet
 - 3.4.3 in taking a decision as a Ward Councillor or as a Member of the Cabinet
 - 3.4.4 at any briefing by officers; and
 - 3.4.5 at any site visit to do with business of the Authority.

4. **Other Interests**

- 4.1 In addition to the requirements of paragraph 3, 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 non-pecuniary interest' in that item, you must

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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

4.2 You have a 'non-disclosable pecuniary interest or non-pecuniary interest' in an item of business of your authority where:

4.2.1 a decision in relation to that business might reasonably be regarded as affecting the wellbeing or financial standing of you or a member of your family or a person with who 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

4.2.2 it relates to or is likely to affect any of the interests listed in the table in the appendix to 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.

5. **Gifts and Hospitality**

5.1 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 £100 which you have accepted as a Member from any person or body other than the Authority

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

5.3 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)

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:

INTEREST	PRESCRIBED DESCRIPTION
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

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	of the total issued share capital of that class
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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.