

EARLEY TOWN COUNCIL
CODE OF CONDUCT FOR COUNCILLORS

1 Preamble

This Code was prepared and adopted by Earley Town Council in accordance with Sections 27 to 37 of the Localism Act 2011.

1.1

Every Councillor, as well as any co-opted member, must act in accordance with this Code when acting in an official capacity. Any person may then make a written complaint to the Council's Monitoring Officer that a Member has acted in breach of the Authority's code.

1.2

This Code was adopted by the Council on 1 August 2012 under Section 27 of the Localism Act 2011 and defines the standards of conduct which will be required of all Members of the Authority in the carrying out of their duties, and in their relationships with the Authority, the public and the Authority's employees.

1.3

The Code represents the standard against which the public, their fellow Councillors, Officers and the Authority's Standards Committee will judge their conduct. The Local Government Ombudsmen may also regard a breach of the Code as incompatible with good administration, and may make a finding of maladministration by the Authority in these circumstances.

1.4

References to 'you' or 'your' within this document should be interpreted as applying to Members or co-opted Members of the Authority.

1.5

References to 'co-opted members' should be interpreted as applying to a person who is not a member of the Council but who is either a member of any committee, sub-committee, panel etc, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council.

2 Introduction and Interpretation

2.1

This Code applies to **you** as a Member of an authority when acting in that capacity.

2.2

It is **your** responsibility to comply with the provisions of this Code.

2.3

In this Code – “meeting” means any meeting of:

- a) the Authority;
- c) any of the Authority's or its committees, sub-committees, joint-committees, joint sub-committees, or area committees;

2.4

“Member” includes a co-opted Member and an appointed Member.

3 Scope

3.1

Subject to Rules 3.2 to 3.3 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); or
- b) act, 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.

3.2

Subject to 3.3, this Code does not have effect in relation to your conduct other than where it is in your official capacity.

3.3

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 this Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4 Guiding Principles

In undertaking your duties, you should be mindful and act in accordance with the following overarching guiding principles of good governance:

- a) **SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends;
- b) **INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties;
- c) **OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit;
- d) **ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office;

- e) **OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands;
- f) **HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest;
- g) **LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

5 General Obligations

5.1

You must treat others with respect.

5.2

You must not—

- a) do anything which may cause your authority to breach any of the equality enactments (as defined in the Equality Act 2010);
- b) bully any person;
- c) intimidate or attempt to intimidate any person who is or is 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.

5.3

You must not:

- 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:
 - reasonable and in the public interest; and
 - 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.

5.4

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

5.5

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 Local Government Act 1986.

5.6

When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

- a) your Authority's Proper Officer; or
- b) your Authority's Monitoring Officer, where that Officer is acting pursuant to his or her statutory duties.

6 Notification of Interests (Disclosable Pecuniary Interests and Interests and other Personal Interests)

6.1

In accordance with the Localism Act 2011 (sections 29-34) and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 subject to Rule 8 below, you must, within 28 days of:

- a) this Code being adopted by or applied to your Authority; or
- b) you becoming a Member or co-opted Member (where that is later),

provide written notification to the Monitoring Officer of any Disclosable Pecuniary Interests (where they fall within the categories set out in Rule 9) or any Personal Interests (where they fall within the categories set out in Rule 14).

6.2

Subject to Rule 8, you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or other Personal Interests or

change to any Disclosable Pecuniary Interest or other Personal Interests, register details of that new Personal Interest or change by providing written notification to the Monitoring Officer.

7 Register of Interests

Any interests 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 under the Localism Act must be published on the Council's website.

8 Sensitive Information

8.1

Where you consider that disclosure of the details of an interest (either a Disclosable Pecuniary Interest or any other interest which the Member is required to disclose), at a meeting or on the Register of Members' interests, is likely to lead to you, or a person connected with you, being subject to violence or intimidation, you may request that the Monitoring Officer agree that such interest is a sensitive interest.

8.2

If the Monitoring Officer agrees that the interest is a 'sensitive interest' the Member must disclose that the interest exists at the relevant meeting but is not required to provide the exact 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' interest.

8.3

You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under Rule 8.1 is no longer sensitive information, notify the Monitoring Officer asking that the information be included on the register of Members' interests.

9 Disclosable Pecuniary Interest

9.1

A pecuniary interest is a Disclosable Pecuniary Interest if it is an interest of yours or your partner (which means spouse or civil partner; a person with whom you are living as husband and wife; or a person with whom you are living as if you were civil partners) and you are aware that the other person has the interest.

9.2

The Disclosable Pecuniary Interests which are specified for the purposes of Section 30(3) of the Localism Act 2011 are as specified below:

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above).

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
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.</p>
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>
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	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p>

	(b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	<p>Any beneficial interest in securities of a body where -</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>

These descriptions on interests are subject to the following definitions;

“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 is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and 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;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M 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.

10 Effect of Disclosable Pecuniary Interests on Participation at Meetings

10.1

If you are a Member or co-opted member of a relevant Authority and you are at a meeting of that Authority, or any committee, sub-committee, joint committee, joint sub-committee, panel or working group of that Authority, and you have a disclosable pecuniary

interest in any matter to be considered or being considered at that meeting:

- a) you must disclose the interest even if you have registered it at the beginning of the meeting or immediately prior to the item being discussed;
- b) you may not participate in any discussion or any vote taken on the matter and should withdraw from the room or chamber where a meeting considering the business is being held prior to any discussion on the matter taking place;
- c) 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;
- d) you must not seek improperly to influence a decision about that business.

10.2

Where you have a Disclosable Pecuniary Interest in any business of your Authority, you may attend a meeting (including a meeting of the Overview and Scrutiny Committee of your Authority or a panel or sub-Committee of such a Committee) but only for the purposes 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 purposes, whether under a statutory right or otherwise.

11 Dispensations

11.1

Under Section 33 of the Localism Act 2011 a Member or co-opted member of the Authority who has a Disclosable Pecuniary Interest may apply for a dispensation to be granted to allow them to participate in any discussion or vote on a particular matter. The application for dispensation must take the form of a written request to the Proper Officer of the Council.

11.2

The criteria for granting a dispensation are as follows:

- a) that so many Members of the relevant decision making body have Disclosable Pecuniary Interests in a matter that it would “impede” the transaction of the business of that body i.e. the decision making body would not be quorate;
- b) that without the dispensation the representation of different political groups on the body transacting the business would be such as to alter the likely outcome of the vote on that particular matter;

- c) that the Council considers that the dispensation is in the interests of persons living in the Authority's area;
- d) that without a dispensation no member of the Executive would be able to participate in a particular matter;
- e) that the Council considers that it is "otherwise appropriate" to grant a dispensation.

11.3

In each case when a dispensation is granted it must specify how long the dispensation is for. A dispensation must not exceed a period of four years.

12 Process for Granting and Recording a Dispensation

The process for granting a dispensation is as follows:

- a) a Member must apply in writing to the Proper Officer for a dispensation as soon as possible, setting out why it is required;
- b) the Proper Officer will make a decision in accordance with the rules set out in Section 33 of the Localism Act 2011 and will advise the Member accordingly.

13 Offences

13.1

Under the Localism Act 2011 it is a criminal offence if a Member or co-opted Member:

- a) fails to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election;
- b) fails to disclose a Disclosable Pecuniary Interest at a meeting of the Authority whether or not it is included on the register;
- c) participates in any discussion or vote on a matter in which they have a Disclosable Pecuniary Interest;
- d) fails to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not included on the register that they have disclosed to a meeting;
- e) knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such an interest to a meeting.

13.2

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the

standard scale and disqualification from being a Councillor for up to 5 years.

14 Other Personal Interests

The Localism Act further provides that Members must notify the Monitoring Officer in writing of the details of other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

You have a personal interest in any business of your 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:
 - (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 you are a member or in a position of general control or management;

- iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- b) You must, within 28 days of becoming aware of any new interest or change to any interest registered under Rule 9.2.14 or as a Disclosable Pecuniary Interest notify the Monitoring Officer of the details of that new interest or change.

14.1 Disclosure of interests

Subject to Rules 14.2 to 14.5, where you have a personal interest described in Rule 14 above or in Rule 14.2 below 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 your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

14.2

You have a personal interest in any business of your Authority:

- a) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being 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; or
- b) it relates to or is likely to affect any of the interests you have registered as a Disclosable Pecuniary Interest.

14.3

In Rule 14.2a) a *relevant person* is:

- a) a member of your family or any person with whom you have a close association; or
- b) 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;
- c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- d) any body of a type described in Rule 14a(i) or(ii).

14.4

Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in Rule 14a)i) or a)ii)(a) you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

14.5

Where you have a personal interest but, by virtue of Rule 8, 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.

15 Effect of Pecuniary Interests on Participation at Meetings

15.1

Where you have a personal interest in any business of your Authority you also have a pecuniary interest in that business 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 paragraphs 1(2) or 2(2) ;or
- b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.

15.2

Subject to Rules 15.3 and 15.4 where you have a pecuniary interest in any business of your Authority:

- a) you must disclose the interest even if you have registered it at

- the beginning of the meeting or immediately prior to the item being discussed;
- b) you may not participate in any discussion or any vote taken on the matter and should withdraw from the room or chamber where a meeting considering the business is being held prior to any discussion on the matter taking place;
 - c) 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;
 - d) you must not seek improperly to influence a decision about that business.

15.3

Where you have a Pecuniary Interest in any business of your Authority, you may attend a meeting (including a meeting of the Overview and Scrutiny Committees of your Authority or of a panel or sub-committee of such a committee) 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.

15.4

Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a Pecuniary 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 a precept under the Local Government Finance Act 1992.

16 Gifts and Hospitality

You must disclose and record any gift or hospitality with an estimated value of at least £25

that you have received in your capacity as a Member of the Council, as well as those that were offered and not accepted. Such disclosure should be made in writing or by e-mail to the Monitoring Officer where it will be included in the Register of Gifts and Hospitality.

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