

WOTTON-UNDER-EDGE TOWN COUNCIL



CODE OF CONDUCT

Updated Nov 2018

PART 1: APPLICATION

- 1.1 This Code applies to all Wotton-under-Edge Town councillors (also known as Members). This includes elected and co-opted members of the Council.
- 1.2 It applies whenever they are acting in an official capacity. This is any situation where they are:
 - (a) acting, or appearing or purporting to act as a Member; or
 - (b) acting, or purporting to act, as a representative of the Council.

PART 2: PRINCIPLES OF GOOD CONDUCT

- 2.1 All Members are required to act in a manner which is consistent with the following principles:

Selflessness	Act solely in terms of the public interest.
Integrity	Avoid any obligation to people or organisations that might try inappropriately to influence the performance of official duties in order to gain financial or other material benefits for themselves, their family, or their friends; and declare interests and relationships where there is a potential conflict of interest.
Objectivity	Act, be open minded and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Be accountable to the public for decisions and actions and submit to the scrutiny necessary to ensure this; and also comply with Council policies and procedures so far as relevant to their work as councillors
Openness	Act and take decisions in an open and transparent manner; and don't withhold such from the public unless there are clear and lawful reasons for so doing (as in cases where information is provided to the Council in confidence or is of a confidential nature and non disclosure is consistent with the law).
Honesty	Be truthful.
Respect	Respect others' views on matters and treat others as one would reasonably want friends and family to be treated.
Leadership	Actively promote and robustly support the principles and reputation of the Council and challenge poor behaviour particularly by other Council Members wherever it occurs.

PART 3: INTERESTS

- 3.1 A Member must not influence, or attempt or purport to influence, any decision or business of the Council in which they have either a Disclosable Pecuniary Interest (DPI) or a Personal Interest.
- 3.2 A DPI is any of the interests described in Appendix A and a Personal Interest is defined in Appendix B.
- 3.3 Subject to any dispensation which may be granted¹, where a Member attends a meeting of the Council or any group / organisation where they are a representative of the Council and in both cases, the meeting considers any business in which they have a DPI or Personal Interest, they must:
- (a) Declare that they have an interest when invited to do so at the commencement of the meeting, at the commencement of the consideration of that business or (if later) as soon as the interest becomes apparent;
 - (b) Unless the interest is a Sensitive Interest², also disclose to that meeting the nature of that interest;
 - (c) Not participate in any discussion (including the public speaking session) or consideration of that matter at the relevant meeting;
 - (d) Leave the meeting room for the whole time there is a discussion or consideration of the matter; and
 - (e) Not vote on the matter.
- 3.4 Members must, within 28 days of:
- a) Their election or appointment to office register in the Council's Register of Members' Interests details of their DPI's; and
 - b) On becoming aware of any new DPI or change to any such interest already registered, update their entries in the Register.

PART 4: BREACHES OF THE CODE

- 4.1 Members who are found by the District Council's Standards Panel to have breached the requirements of the Code must comply with any sanctions imposed or recommended by the Panel.³

¹ Please see Section 13 of the Council's Standing Orders. These will be issued sparingly by the Council and only for specified meetings and for as few as possible meetings. They may be granted to allow Members with interests to participate in the debate on the matter; or on rare occasions, to speak and vote.

² A Sensitive Interest is an interest that the Member with the interest and Stroud District Council's Monitoring Officer, consider that disclosure of the details of which could lead to that Member or a person connected with that Member being subject to violence or intimidation. Copies of the Council's Register of Members' Interests that are made available for inspection and any published version of the Register, must not include details of the interest, but will state that the Member has an interest the details of which are withheld under the Localism Act 2011. A Member with a Sensitive Interest, when declaring such an interest at a meeting, need not disclose details of the interest but merely the fact that they have a Sensitive Interest in the matter concerned.

³ Complainants will be entitled to refer potential breaches of the rules regarding DPIs to the police for investigation and relevant Members may therefore be subject to public prosecution.

APPENDIX A – DISCLOSABLE PECUNIARY INTERESTS

These comprise any interests of the Member or their spouse, civil partner, or person whom they live with as if they were their spouse or civil partner which comprise:

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	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) made or provided within the relevant period in respect of any expenses incurred in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
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 person 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.

Note:

- These descriptions of DPIs are set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464.*
- A failure to disclose a DPI, or providing information regarding a DPI which is false or misleading, or taking part in the business of the Council when one has such an interest, is a criminal offence in most circumstances as set out in the Localism Act 2011. It is also a breach of this Code.*

APPENDIX B – PERSONAL INTERESTS

Subject to the exceptions set out below, these comprise any interests of:

- (a) the Member; or
- (b) the Member's spouse, civil partner, or person whom they live with as if they were their spouse or civil partner ("Partner"); or
- (c) a Close Associate⁴ of the Member.

where a decision on the matter might reasonably be regarded as:

- (i) **significantly advantaging or disadvantaging** the Member, their Partner or their Close Associate; **and** it also does so
- (ii) **to a greater extent than the majority of other** council tax, business rate payers or inhabitants of the Wotton-under-Edge parish.

Exceptions

A Member will not have an interest where it arises:

- (a) From an interest of a body or person other than themselves and they were not aware of that body's or person's interest;
- (b) In respect of any business of the Council concerning an allowance, payment or indemnity given to members by the Council; any ceremonial honour given to members; or setting a precept under the Local Government Finance Act 1992;
- (c) In the case of a Personal Interest, only in connection with the Member's appointment as a representative of the Council on an outside body unless they are appointed a trustee for that outside body; or
- (d) In the case of a Personal Interest as a result of membership of any other body in which the Member or their Partner do not hold a position of general control or management.

The following flow chart summarises the questions which Members should ask themselves when deciding whether or not they have a Personal Interest.

⁴ A Close Associate of a Member includes their or their Partner's:

- (a) parent, sibling, son, daughter; or
- (b) other relative or a friend who the Member knows well and who they regard with liking, affection or loyalty. It is more than mere acquaintance. Mutual membership of an organisation (such as a local charity, association) is unlikely to be sufficient on its own to establish the existence of a friendship between two people.

To help determine whether you have a PERSONAL INTEREST, answer the following questions...

